

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF RHODE ISLAND

3
4 UNILEVER BESTFOODS and KIK CUSTOM
5 PRODUCTS, INC., f/k/a CCL CUSTOM
6 MANUFACTURING, INC.,

7 vs. C. A. No. 01-496-L

8 TEKNOR APEX COMPANY, et al.,

9 -----
KIK CUSTOM PRODUCTS, INC., f/k/a
CCL CUSTOM MANUFACTURING, INC.

10 vs. C. A. No. 01-511-L

11 A. T. CROSS COMPANY, et al.

12
13 DEPOSITION OF MICHAEL L. SHEA,
14 a witness in the above-entitled cause, taken on
behalf of the Plaintiffs, before Devin J. Baccari,
15 CSR, at the Law Office of Adler, Pollock &
Sheehan, P.C., One Citizens Plaza, 8th Floor,
16 Providence, Rhode Island, on October 5, 2009,
scheduled at 10:00 a.m.

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25 Job No.: 218015

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5

1 (Deposition commenced at 10:04 a.m.)

2 MICHAEL L. SHEA,

3 Being duly sworn, deposes and testifies as follows:

4 EXAMINATION BY MR. JACKSON

5 Q. Good morning, Mr. Shea. My name is Tom Jackson.

6 I'm an attorney with the law firm of Baker-Botts

7 and we are here today in connection with a

8 lawsuit that's pending in Federal District Court

9 here in Providence regarding the J.M. Mills

10 landfill.

11 Have you ever been deposed before? Have you

12 ever been deposed before, questioned in a setting

13 like this?

14 A. No.

15 Q. Okay. Let me give you some ground rules that

16 hopefully we can try to live by to get through
17 this as quickly as possible. What's going to
18 happen today is I'm going to ask you a series of
19 questions related to your prior employment. What
20 I'm going to ask you to do is to listen to my
21 questions carefully. If you don't understand a
22 question, please let me know so I can try to
23 rephrase it so you can understand it.
24 A. All right.
25 Q. And try to let me finish my question before you

6

1 talk.
2 A. Right.
3 Q. Okay. Because it's hard for Devin to get down --
4 take down if both of us are talking at the same
5 time, so try to wait until I'm finished with my
6 questions.
7 And then I'm going to ask you to give me a
8 verbal response. It's hard for Devin to take
9 down if you're just shaking your head.
10 A. Yeah.
11 Q. So I'll just ask for a yes or no or a verbal
12 response.
13 If -- at some point during my questioning,
14 it's possible that some of the other attorneys
15 will state objections to my questions. Unless I
16 choose to rephrase my question in response to an
17 objection or unless your counsel directs you not
18 to answer a question, you should go ahead and
19 answer despite the objection. Okay?

20 A. Yes.
21 Q. This is not an endurance contest of any kind.
22 Hopefully we'll get through this without taking
23 too long, but if at any point you need a break,
24 just let me know, that's perfectly fine. We're
25 happy to take a break for any reason.

7

1 A. Okay.
2 Q. Okay. Is that all clear?
3 A. Yep.
4 Q. Okay. Can you state your full name for the
5 record?
6 A. Michael L. Shea.
7 Q. And what's your current address, Mr. Shea?
8 A. 54 Cottage Street, Fall River, Mass.
9 Q. And how old are you, Mr. Shea?
10 A. 66 years old.
11 Q. Okay. Are you currently employed?
12 A. Retired.
13 Q. Okay. Let's talk a little bit about your
14 education. How far did you go in school?
15 A. Junior, high school.
16 Q. Okay. And what junior high did you attend?
17 A. No, I was a junior in high school.
18 Q. Oh, junior in high school?
19 A. Right.
20 Q. Okay. And what high school was that?
21 A. Diamond Vocational High School in Fall River.
22 Q. In Fall River. Okay. And do you recall what
23 year it was that you left high school?
24 A. I was 16 years old. 1960.

25 Q. Okay. What did you do when you got out of high

8

1 school?

2 A. I went to work in a wool warehouse.

3 Q. I'm sorry?

4 A. I went to work as a laborer in a wool
5 warehouse.

6 Q. A wool warehouse?

7 A. Wool.

8 Q. Right.

9 A. Like a sweater.

10 Q. Okay. And who was your employer?

11 A. Sanford Litch.

12 Q. And can you describe for me briefly what you were
13 doing in that job.

14 A. I worked in the warehouse lifting, stocking.
15 I was a truck driver's helper, forklift operator,
16 bailer, maintenance, whatever there was to do.

17 Q. Okay.

18 A. I later became a truck driver for them.

19 Q. And do you recall approximately when that was?

20 A. Not -- when I left, I know the date. It's
21 1967.

22 Q. Okay. So that's when you left --

23 A. Yeah.

24 Q. -- working there --

25 A. Yeah.

9

1 Q. -- at Sanford?

2 A. (Nods head in the affirmative).
3 Q. Okay. And what did you do then?
4 A. I went to work for a cookie company.
5 Q. Cookie company?
6 A. Cookies.
7 Q. Okay. And who was that?
8 A. Anndale Products.
9 Q. And do you know how to spell that?
10 A. A-N-N-D-A-L-E Products.
11 Q. And where were they located?
12 A. Fall River, Mass.
13 Q. What did you do for Anndale Products?
14 A. Truck driver.
15 Q. Were you transporting something?
16 A. Yeah.
17 Q. And what were you transporting?
18 A. Cookies.
19 Q. Okay. How long did you work for Anndale
20 Products?
21 A. Nine years.
22 Q. So that wouldn't have been until about 1975?
23 A. Yeah.
24 Q. What did you do after you left Anndale Products?
25 A. I was unemployed for a long time.

10

1 Q. For about how long?
2 A. Almost a year.
3 Q. Okay. And did you subsequently find employment?
4 A. That's when I went to work for SCA Disposal,
5 Cal's.

6 Q. And about how long did you work for SCA Disposal?
7 A. Nine years and nine months, I believe.
8 Q. So do you recall what year it would have been
9 when you left SCA?
10 A. 1986.
11 Q. What did you do at that point?
12 A. Went to work for a concrete company.
13 Q. And do you recall the name of the company?
14 A. Lawrence Ready Mix.
15 Q. And where were they located?
16 A. Bridgewater, Mass.
17 Q. And what did you do for Lawrence Ready Mix?
18 A. Truck driver.
19 Q. Transporting concrete?
20 A. Yes.
21 Q. How long did you work for Lawrence Ready Mix?
22 A. Approximately four years.
23 Q. That would have been until about 1990?
24 A. Yeah.
25 Q. And what did you do then?

11

1 A. Unemployed for two years.
2 Q. And did you subsequently find new employment?
3 A. Yes.
4 Q. Where was that?
5 A. Weymouth Ready Mix Concrete.
6 Q. So that would have been in about 1992?
7 A. Yeah.
8 Q. And I gather that was in Weymouth?
9 A. Yes.
10 Q. And what were you doing for Weymouth?

11 A. Truck driver.
12 Q. Again, I assume transporting concrete?
13 A. Concrete, yeah.
14 Q. How long did you work for Weymouth?
15 A. 14-and-a-half years.
16 Q. So that would take us up until?
17 A. January 1st, 2008.
18 Q. Okay. And what did you do after that?
19 A. Retired.
20 Q. Okay. Let's go back and talk about SCA Disposal.
21 I think you testified you started working there
22 in about 1976?
23 A. Yeah. Yes.
24 Q. I think I heard you refer to both SCA Disposal
25 and Cal's.

12

1 A. Yes. It was Cal's division.
2 Q. Cal's division of SCA --
3 A. Yes.
4 Q. -- Disposal?
5 And what did you do for Cal's?
6 A. Drove a truck.
7 Q. What kind of truck?
8 A. Roll-off, packer.
9 Q. Did you do that throughout the time you worked
10 for Cal's?
11 A. Most of the time except for the last three
12 years that I was a dispatcher, safety officer.
13 Q. Okay. So the last three years you worked as a
14 dispatcher for Cal's?

15 A. Yes.
16 Q. So approximately when did you start working as a
17 dispatcher?
18 A. Oh, 1986, I guess. I don't know. No, got to
19 be '83.
20 Q. Let's talk about the period when you were working
21 as a driver for Cal's.
22 A. Yes.
23 Q. Did you have a particular truck that you were
24 assigned?
25 A. Yes.

13

1 Q. So you would generally drive the same truck every
2 day?
3 A. Most of the time.
4 Q. And was there a particular route that you drove?
5 A. No. I would call in after each stop and they
6 would send you to another stop.
7 Q. Okay. And where did Cal's have its office?
8 A. In Berkeley.
9 Q. And was that true throughout the time you worked
10 for Cal's?
11 A. Yes.
12 Q. And how many days a week did you work?
13 A. Five, six.
14 Q. You said five or six?
15 A. Five or six depending on what work there was.
16 Q. Okay.
17 A. Sometimes you would work seven.
18 Q. Okay.
19 A. They alternated between three drivers for a

20 Sunday pickup at a transfer station, so every
21 third week you would work.
22 Q. So you're saying every third week --
23 A. Yeah.
24 Q. -- you would work on a Sunday?
25 A. Yeah, unless someone else with seniority

14

1 bumped you.
2 Q. How long was a typical day?
3 A. Whatever time it took. Different hours every
4 day.
5 Q. Okay.
6 A. Cal would guarantee a four-hour pick up after
7 a customer would call.
8 Q. Explain what you mean by that.
9 A. If you called in for a container to be
10 changed, it was guaranteed it would be changed
11 before four hours.
12 Q. Okay. So how would you typically start your day?
13 Would you --
14 A. I'd call the dispatcher before leaving the
15 yard and say, "Where am I going?"
16 Q. Okay. So let's back up. I assume you would
17 report to the yard --
18 A. Yeah.
19 Q. -- at Berkeley?
20 A. Yeah. Punch in.
21 Q. Pick up your truck?
22 A. Yeah.
23 Q. Okay.

24 A. The truck would be running. The mechanics
25 checked them out. They'd be running in the yard.

15

1 Q. Okay. And then what would you do then,
2 typically?
3 A. I'd call the dispatcher.
4 Q. And who was the dispatcher?
5 A. At the time, it was Marion Clark, Mr. Marion
6 Clark.
7 Q. And when you say "at the time," was he dispatcher
8 during the entire time you were driving
9 roll-offs?
10 A. No. He died shortly after.
11 Q. Shortly after you started?
12 A. Yeah.
13 Q. And do you recall who took over as dispatcher?
14 A. The secretary.
15 Q. Do you recall her name?
16 A. Patricia Stetson.
17 Q. Can you spell the last name?
18 A. S-T-E-T-S-O-N.
19 Q. Was she the dispatcher for the remaining time you
20 were driving roll-offs?
21 A. Yes.
22 Q. So you would call the dispatcher?
23 A. (Nods head in the affirmative).
24 Q. And?
25 A. He would send you to wherever.

16

1 Q. Okay.
2 A. And he'd tell you what landfill to take it to
3 or if it was a cardboard load he'd tell you where
4 to take that.
5 Q. When you first called in in the morning, would
6 the dispatcher give you one stop?
7 A. Most of the time.
8 Q. Okay. So you would go take care of that stop?
9 A. Yeah.
10 Q. And dump the load where you had been told to dump
11 it?
12 A. Right.
13 Q. And what would you do then?
14 A. After it was empty, you'd call him and he'd
15 send you to another one.
16 Q. Okay. Send you to do the same thing?
17 A. Yep.
18 Q. Okay. So would you then keep calling the
19 dispatcher --
20 A. Yes.
21 Q. -- for stops throughout the day?
22 A. Yeah.
23 Q. Okay. Typically, how many stops would you do in
24 a given day?
25 A. Varied from three to six depending on how many

17

1 miles you drove or how much time you ran out of.
2 Q. And during this period when you were driving
3 roll-off trucks, who was your supervisor?
4 A. Dispatcher.
5 Q. Okay. And during that period, were there other

6 truck drivers who were also driving roll-offs?
7 A. Oh, yes.
8 Q. And let's focus on the -- when you first started
9 driving a roll-off. Do you recall who the other
10 drivers, roll-off drivers, were at that point?
11 A. Yes.
12 Q. Can you tell me who they were.
13 A. Chester Farrah, Arthur DeLawrence, Robert
14 Arruda.
15 MR. MURPHY: I'm sorry. What was that?
16 A. Arthur DeLawrence.
17 Q. Do you know how to spell that?
18 A. Capital D-E-capital L-awrence (sic).
19 Q. And then you said Mr. Arruda?
20 A. Yes. Tom Lounsbury. I've got to think now.
21 Myself, Jon Ponte. I think that's it on the
22 roll-offs.
23 Q. Were there other employees who were driving other
24 kind of trucks?
25 A. Yes.

18

1 Q. Okay. What other kind of trucks would they have
2 been driving?
3 A. It was two packer trucks and transfer tractor
4 and trailers.
5 Q. And I think earlier you mentioned someone named
6 Cal?
7 A. Cal, yes.
8 Q. And who is that?
9 A. He used to be the owner of the corporation

10 until he sold it to SCA.
11 Q. Okay. Was he the owner when you first started?
12 A. No.
13 Q. Okay. Well, what was his full name?
14 A. Calvin Overlock and his son-in-law, Rick Ford.
15 They ran the place.
16 Q. Okay. I'm sorry. Did you say Mr. Ford ran the
17 place?
18 A. Ford, yeah. Between Cal and his son-in-law,
19 they ran the place. One was the president, the
20 other was the vice president.
21 Q. So you're saying Mr. Overlock was the president?
22 A. Well --
23 Q. Okay.
24 A. -- either one, one or the other.
25 Q. Okay. The president of what?

19

1 A. That division.
2 Q. Okay. President of the division?
3 A. Yes.
4 Q. Okay. When you say "they ran the place," can you
5 explain to me a little bit more about what they
6 did.
7 A. Negotiated the contracts with customers, with
8 the help, local communities, landfills.
9 Q. Okay. In addition to the people you mentioned,
10 were there other employees who --
11 A. Yes.
12 Q. -- worked for the division?
13 A. They had a welding shop, but I don't remember
14 their names.

15 Q. That's fine.
16 A. Mechanic shop.
17 Q. Any other types of employees?
18 A. No. Oh, secretaries.
19 Q. And Mr. Overlock and Mr. Ford, were they in
20 charge for the entire time that you --
21 A. No.
22 Q. Okay.
23 A. They changed in 1983.
24 Q. Okay.
25 A. They cancelled Cal Overlock's contract and

20

1 Rick Ford's contract and they brought in a new
2 general manager from SCA division in Boston.
3 Q. When you say "they" cancelled the contracts, who
4 are you referring to?
5 A. Corporate headquarters.
6 Q. That would have been SCA?
7 A. Yeah.
8 Q. And where was that located?
9 A. 60 State Street, Boston.
10 Q. And who was the new general manager they brought
11 in?
12 A. William Sullivan. He was only there a couple
13 of years, went to work for another company, and
14 Patricia Stetson became in charge.
15 Q. You said you didn't have a set route?
16 A. No.
17 Q. Was there a geographic area that you generally
18 worked in while you were driving roll-offs?

19 A. Southern New England.
20 Q. And typically, during the course of the day, did
21 you handle any paperwork?
22 A. Yes, time sheets.
23 Q. Okay. And what did you do with the time sheets?
24 A. Turned them in to the dispatcher at night.
25 Q. And what sort of information was on the time

21

1 sheets?
2 A. Starting time.
3 Q. Anything else?
4 A. Customer name, wherever you took it.
5 Q. So the disposal location?
6 A. Yeah.
7 Q. Okay. Anything else?
8 A. The time you left that location.
9 Q. Anything else?
10 A. The time you arrived back to the yard at the
11 end of the day.
12 Q. Okay. And so you turned that in to the
13 dispatcher at the end of the day?
14 A. Yeah.
15 Q. Do you know what happened to it at that point?
16 A. Went to the office upstairs in the filing
17 cabinets.
18 Q. Was there any other paperwork that you handled,
19 typically?
20 A. Just the customer slips.
21 Q. And --
22 A. They were handwritten when I first started,
23 then they were computerized slips later on.

24 Q. Can you explain for me a little bit more about
25 what these slips were.

22

1 A. Just write down on the slip the customer's
2 name, the date, change container, empty
3 container. That's it. And have the customer or
4 whoever was in the plant sign it.

5 Q. Did you do that for each customer?

6 A. Yes.

7 Q. And do you recall about when that practice
8 started?

9 A. No. It started when I first was there.

10 Q. Okay. And once the customer signed it, what
11 happened to the customer slip then?

12 A. You handed it to the person who signed it,
13 whoever it might be.

14 Q. Okay. So you left it with the customer?

15 A. Yeah. And the other copy went to our
16 dispatcher.

17 Q. Okay. So there were two copies?

18 A. Yes.

19 Q. Okay. Any other types of paperwork you typically
20 handled --

21 A. No.

22 Q. -- during the course of the day?

23 A. Just truck reports at the end of the day, like
24 the condition of your vehicle.

25 Q. Okay. Was that a piece of paper that you filled

23

1 out?
2 A. Yes.
3 Q. Okay. Who did you give that to?
4 A. Dispatcher. All the paperwork was turned in
5 to the dispatch office.
6 Q. Did you handle any paperwork associated with
7 disposal location?
8 A. It was on the slip.
9 Q. Okay.
10 A. That would be on the time slip, the time
11 sheet.
12 Q. Okay. During the time you were driving a
13 roll-off truck, what kinds of containers,
14 generally, were you picking up?
15 A. 42-yard compactor containers.
16 Q. And would that have been true throughout the time
17 you were driving the roll-off?
18 A. Yes. There was also 30-yard open top
19 containers, 40-yard open top containers and
20 20-yard open top containers.
21 Q. Did you pick up those types of containers as
22 well?
23 A. Yes.
24 Q. Tell me a little bit about your duties when you
25 became a dispatcher for Cal's.

24

1 A. I would write out the dispatch orders at
2 night. I would collect all the driver's
3 paperwork from the previous day.
4 Q. Anything else?

5 A. I was safety officer.
6 Q. And what did that entail?
7 A. I'd conduct the safety meeting once a month,
8 went to safety training for a week, then I took
9 over the garage and the welding shop
10 responsibilities.
11 Q. When you say you took them over --
12 A. That was when I became operations manager.
13 Q. Oh, was that different from being a dispatcher?
14 A. Yeah.
15 Q. Okay. Were you doing that at the same time you
16 were dispatcher or doing that at a later time?
17 A. I would do the dispatching at the end of the
18 day and all the other duties during the day, the
19 garage, the welding shop, customer relations.
20 Q. Okay. So you were both dispatcher and operations
21 manager?
22 A. Yeah.
23 Q. Okay.
24 A. At the end.
25 Q. When you say "at the end," you mean at the end of

25

1 the time you worked for --
2 A. Yeah.
3 Q. -- Cal's?
4 A. Yeah.
5 Q. Okay.
6 A. After Bill Sullivan left.
7 Q. Okay. While Mr. Sullivan was there, you were, I
8 take it, working as a dispatcher?
9 A. Yes.

10 Q. Okay. And were you doing anything else at that
11 point?
12 A. I was truck driver first and he enticed me to
13 join management.
14 Q. Okay. And so that's when you became the
15 dispatcher?
16 A. Yes.
17 Q. Okay. So at that point, did you have any other
18 duties besides being the dispatcher?
19 A. Just the safety officer.
20 Q. Okay. And then, as I understand your testimony,
21 once Mr. Sullivan left and Ms. Stetson took
22 over --
23 A. Right.
24 Q. -- you became operations manager --
25 A. Right.

26

1 Q. -- as well?
2 A. Yeah.
3 Q. And I think you said when you were the
4 dispatcher, as part of your duties as dispatcher,
5 you wrote out dispatch orders at night?
6 A. Right.
7 Q. Can you explain for me what those were?
8 A. Well, Ms. Stetson would give me the list of
9 customers to be picked up and a trip ticket for
10 the day. I would write on it Benjamin Moore,
11 Foster Forbes, whatever customer in that area. I
12 would give them anywhere from four to six stops
13 and also write on it and tell them where to take

14 i t.

15 Q. How would you make the decision as to where they

16 should take a particular load?

17 A. Patricia Stetson.

18 Q. So she's the one who told you --

19 A. Yes.

20 Q. -- where the loads --

21 A. Unless it was a load like Foster Forbes or

22 wherever we normally took it, you know. Unless I

23 was told otherwise to take it somewhere else, I

24 would send it to either Davis Landfill or J.M.

25 Mills or wherever. And if the landfill was

27

1 closed, if we ran out of time, all those loads

2 would go back to the yard at Cal's.

3 Q. And when they went back to the yard, what would

4 happen to them then?

5 A. They'd be emptied the following morning.

6 Q. So as I understand your testimony, Mr. Shea,

7 Ms. Stetson would tell you where the load should

8 be taken?

9 A. Right. She would oversee where they were

10 going.

11 Q. Did you have any understanding as to how she made

12 the determination as to where the load should go?

13 A. I would make out the slips and I'd go upstairs

14 in her office and I'd say, "Where do you want to

15 take this one? Where do you want to take that

16 one? What do you want to do with this one?"

17 Because she sent the loads as to where the price

18 of a landfill was the cheapest or was available.

19 Q. When you were driving roll-offs, what landfills
20 did you dispose the waste at?
21 A. Wherever they send me.
22 Q. Okay.
23 A. J.M. Mills, Davis Landfill, Taunton Landfill,
24 Attleboro Landfill, Plainville Landfill, Fall
25 River Landfill, Plymouth Landfill, Manamet

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1 Landfill, New Bedford Landfill, Dartmouth
2 Landfill. Wherever it took.
3 Q. Okay. Let's talk a little bit about J.M. Mills.
4 A. Yep.
5 Q. Do you recall about when you first went to J.M.
6 Mills?
7 A. I think it was in the -- 1978 when we started
8 with the Attleboro contract.
9 Q. When you say "the Attleboro contract," can you
10 explain for me?
11 A. Household, household trash for the City of
12 Attleboro or Town of Attleboro.
13 Q. So your recollection, it was around the same time
14 that you first took waste to J.M. Mills?
15 A. Yes. That was the very first time I took
16 waste to J.M. Mills.
17 Q. Okay. And was that in relation to this City of
18 Attleboro contract?
19 A. Yes.
20 Q. At that point, do you recall whether you took
21 waste from other locations to J.M. Mills?
22 A. Yes.

23 Q. Do you recall where the J.M. Mills landfill was
24 located?
25 A. Cumberland, Rhode Island. Higginson Avenue, I

29

1 think it was.
2 Q. Do you recall how you got access to the landfill?
3 A. Drove in the entrance --
4 Q. Okay.
5 A. -- by the trailer.
6 Q. Okay. Can you describe for me the process you
7 went through to -- generally to dump a load at
8 J.M. Mills?
9 A. Stop at the trailer first, get your slip.
10 Q. When you say "slip," can you describe for me --
11 A. Receipt. They would make out a slip to the
12 company, put my truck number on it, and I signed
13 one copy and they had theirs.
14 Q. So you kept a copy of the --
15 A. Right. Yes.
16 Q. -- ticket?
17 And, again, what information did that have on
18 it?
19 A. Just the yardage.
20 Q. And this was something that you signed?
21 A. Yes.
22 Q. Okay. And what did you do with that slip?
23 A. Turned it in to the dispatch at night.
24 Q. Do you recall whether that slip indicated where
25 the load was from?

30

1 A. No.

2 Q. So after you stopped at the trailer and got the

3 slip, what would you do then?

4 A. Drive to wherever they were dumping at that

5 time.

6 Q. What would happen at that point?

7 A. You would back in if there was room, dump the

8 load, close the container and leave and go to

9 your next stop.

10 Q. At any point in that process, did you have

11 occasion to observe the waste that was in the

12 container?

13 A. Yes.

14 Q. And when was that?

15 A. When we were dumping it, closing up the

16 container. A lot of times in the cold weather

17 with compactors the load gets jammed in there so

18 you have to get in there with a shovel to break

19 it free, until the load would start to fall out,

20 then you'd attempt to dump it again. You never

21 sent the half loaded container back to a

22 customer. Be looking for another job.

23 Q. Did you follow the same general process

24 throughout the time --

25 A. Yes.

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1 MR. CONNORS: Try not to -- let him

2 finish his question before you answer. It's just

3 tougher.

4 THE WITNESS: Oh, sorry.

5 MR. JACKSON: That's okay. We all do
6 it.
7 Q. Do you recall how long you continued to dispose
8 of waste at J.M. Mills?
9 A. Not really. The last time I went to J.M.
10 Mills I think it was at the end of the Attleboro
11 contract.
12 Q. Do you recall approximately when that would have
13 been?
14 A. '81, something like that.
15 Q. During the time that you were disposing of waste
16 at J.M. Mills, do you recall approximately how
17 often you went there?
18 A. Depending on how many loads a day I had going
19 there. There's no way to tell. I don't have any
20 records on that.
21 Q. Okay.
22 A. Normally, three to four loads a day.
23 Q. And during this period when you were disposing of
24 waste at J.M. Mills, approximately how much were
25 you disposing of waste at J.M. Mills in

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1 comparison to other landfills?
2 A. Depends what you had in that area. They would
3 split it up, you know.
4 Q. Again, during this same period when you were
5 disposing waste at J.M. Mills, do you recall
6 whether there were landfills that you used more
7 than others?
8 A. No. J.M. Mills, Davis and Plainville, they

9 were the popular ones for commercial trash.

10 Q. During the period when you were disposing of

11 waste at J.M. Mills, do you recall whether it was

12 always the same individual who was at the

13 trailer?

14 A. No, it was always someone different.

15 Q. Okay. Do you recall the names of any of the

16 people who worked in the trailer?

17 A. It was either the -- Joe the owner, his son or

18 some other person there.

19 Q. During that period, how many employees did the

20 landfill have working?

21 A. About five or six.

22 Q. Okay. So how many people would have been working

23 at the dump site, the landfill itself?

24 A. Five or six.

25 Q. Okay. And what would they have been doing,

33

1 generally?

2 A. Either picking out the recyclable stuff, like

3 metal or anything that was resalable, or running

4 machines. Both Joe and his son ran machines,

5 whatever machines they had, bulldozers, loaders.

6 Q. And just so we're clear, what would the machines

7 have been doing?

8 A. Compacting.

9 Q. You mean compacting the trash?

10 A. Yes.

11 Q. Did you know the names of any of the other

12 employees at the landfill?

13 A. No. We never had the time to be friendly. In

14 and out.
15 Q. But you were familiar with Joe Senior?
16 A. Yes.
17 Q. How frequently did you see him at the landfill?
18 A. Most of the time.
19 Q. Do you recall how many days a week the landfill
20 was open?
21 A. I believe six.
22 Q. Do you recall, generally, the hours of operation
23 of the landfill?
24 A. 7:00 to 4:00, 7:00 to 5:00.
25 Q. Do you recall any period when J.M. Mills landfill

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1 was closed?
2 A. No.
3 Q. Do you recall whether there was a gate at the
4 entrance?
5 A. Yes. And a big dog.
6 Q. Okay. Did you ever have occasion to dump a load
7 at the J.M. Mills landfill after-hours?
8 A. No.
9 Q. Do you recall whether the employees at the
10 landfill inspected the loads you were dumping?
11 A. No.
12 Q. Do you recall whether any employees at the
13 landfill ever told you you couldn't dump a load?
14 A. No.
15 Q. Do you know if the landfill had any rules about
16 types of waste that it would accept or not
17 accept?

18 A. No.
19 Q. Are you familiar with a gentleman named Al
20 Dumont?
21 A. Yes.
22 Q. And how do you know Mr. Dumont?
23 A. He owned the Attleboro Landfill.
24 Q. Do you recall ever seeing Mr. Dumont at the J.M.
25 Mills Landfill?

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1 A. Yes.
2 Q. And do you recall approximately when that was?
3 A. No, I don't. He worked there for a short
4 time.
5 Q. Okay. And do you know --
6 A. He also worked at Davis Landfill for a short
7 time.
8 Q. Do you know what he did when he was working at
9 J.M. Mills?
10 A. Operating a machine.
11 Q. Did you ever see him working at the trailer at
12 J.M. Mills?
13 A. No.
14 Q. Just operating the machine?
15 A. Yes.
16 Q. And I think you said it was a short period?
17 A. Yeah.
18 Q. Do you have any recollection of about how long
19 you worked?
20 A. Six months, a year maybe.
21 Q. Do you recall whether Mr. Dumont was working at
22 the J.M. Mills Landfill when you first started

23 taking waste there?
24 A. No, he wasn't there at first.
25 Q. Okay. Mr. Shea, are you familiar with a company

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1 called Benjamin Moore?
2 A. Yes.
3 Q. And did you have occasion to pick up waste from
4 any Benjamin Moore facilities?
5 A. Yes.
6 Q. And how many facilities do you recall picking up
7 waste from?
8 A. One.
9 Q. And do you recall where that was located?
10 A. Milford, Mass.
11 Q. Just generally how large a facility was that?
12 A. 25 employees.
13 Q. I mean physically, was it a single building?
14 A. Yes.
15 Q. Do you recall when you first started picking up
16 waste from that facility?
17 A. When I first started, 1978, '77.
18 Q. So when you first started driving roll-offs?
19 A. Yes.
20 Q. And what types of containers did you pick up
21 there?
22 A. 42-yard compactor.
23 Q. How long did you continue to pick up waste at
24 that facility?
25 A. Right up till the day I was terminated, I

- 1 guess.
- 2 Q. Did the size of the container you were picking up
- 3 change at all during that period?
- 4 A. No.
- 5 Q. Do you recall where at the facility the container
- 6 was located?
- 7 A. In the parking lot on the side of the
- 8 building. There was only one entrance and exit.
- 9 Q. When you say there was one entrance --
- 10 A. One entrance.
- 11 Q. One entrance to the facility?
- 12 A. To the property, yes.
- 13 Q. And do you recall whether there were any
- 14 particular procedures that you followed in
- 15 picking up waste at that facility?
- 16 A. No. Did it just like everyone else, back up
- 17 to the machine, hook it up, disconnect the
- 18 machine from the container, load it up on the
- 19 truck, clean up the mess.
- 20 Q. Okay. When you say "clean up the mess," can you
- 21 describe for me what you're referring to?
- 22 A. Whatever would fall out of the back of the
- 23 container when you pulled it off the machine.
- 24 Q. Okay.
- 25 A. We always had to clean up every stop we picked

- 1 up at.
- 2 Q. Was there anybody at the facility you had to talk
- 3 to?

4 A. No.
5 Q. Okay. So you just picked up the container?
6 A. Yep.
7 Q. Okay. I think you testified earlier about
8 customer slips?
9 A. Yes.
10 Q. Did you do that with Benjamin Moore?
11 A. Yes.
12 Q. Okay. So you --
13 A. Whoever would sign the slip.
14 Q. Okay. Do you recall was there a particular
15 person --
16 A. No.
17 Q. -- who signed the slip?
18 A. No. Whoever was available.
19 Q. Okay.
20 A. One time I had to go into the lab to get
21 somebody to sign it because there was no one out
22 in the plant.
23 Q. Okay. And at what point in the process of
24 picking up the container there would you get the
25 slip signed?

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1 A. After the container was on the truck.
2 Q. Do you recall approximately how often you picked
3 up this particular container?
4 A. Once a week. It was a scheduled pick-up.
5 Q. Do you recall whether that was true throughout
6 the time you were picking up that container?
7 A. Yes.
8 Q. Did you have occasion to observe the waste in

9 that container?

10 A. Oh, yes.

11 Q. And can you describe for me what it was you

12 observed?

13 A. Paint, paper bags, tin cans, pallets.

14 Q. Anything else you can recall?

15 A. No.

16 Q. Okay.

17 A. Speedy Dry.

18 Q. Let's talk a little bit about paint. Can you

19 describe for me, generally, what that looked

20 like?

21 A. Just paint drippings that would come out of

22 the back of the container.

23 Q. So you say the paint would have been coming out

24 of --

25 A. Right.

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1 Q. -- the 42-yard container?

2 A. Yep. Yes.

3 Q. What did that paint look like?

4 A. Paint.

5 Q. Did it have a particular color?

6 A. All different colors.

7 Q. And how often did you observe the paint coming

8 out of the container?

9 A. It was always, always coming out of the

10 container.

11 Q. So when the paint came out of the container, what

12 would happen to it?

13 A. Stay on the ground. Go get somebody to clean
14 it up with Speedy Dry.
15 Q. So you would get someone from the facility?
16 A. Yeah.
17 Q. Okay. And they would use Speedy Dry?
18 A. Yeah.
19 Q. And what would then happen to the Speedy Dry?
20 A. I guess it would get shoveled back into the
21 machine again.
22 Q. When you say "back into the machine," which
23 machine are you referring to?
24 A. The compactor machine, if they cleaned it. A
25 lot of times they didn't.

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1 Q. So what would happen to the paint then?
2 A. It would stay right on the compactor pad, the
3 concrete slab.
4 Q. So it would stay there and you would take the
5 container?
6 A. Yep.
7 Q. Can you describe for me, generally, about how
8 much would come out of the container?
9 A. Probably less than a gallon, but that's enough
10 to make a mess.
11 Q. And did you have occasion to observe paint in the
12 container itself?
13 A. Yes.
14 Q. And was that paint loose or was it in containers?
15 A. It was loose. It was from all the drippings
16 from the empty cans that they would throw into
17 the machine.

18 Q. About how much of a load would consist of the
19 empty cans?
20 A. Probably not much, but it don't take much to
21 make a mess in the container because the machine
22 is running constantly.
23 Q. And, again, when you say "the machine," you're
24 referring to?
25 A. The compactor machine. It would run on a

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1 timer. It would run back and forth so many
2 times, shut off, the timer would put it back on.
3 Ran 24 hours a day.
4 Q. Did you have occasion to see how much loose paint
5 was in the container itself?
6 A. No, not really.
7 Q. I think you referred to tin cans.
8 A. Yes, gallon cans.
9 Q. Okay. Does that refer to paint cans?
10 A. Yes.
11 Q. And do you recall, did those cans have any liquid
12 in them?
13 MR. BENIK: Objection.
14 Q. Leftover paint drippings?
15 MR. BENIK: Would you repeat that. I
16 didn't hear that answer.
17 (The answer was read.)
18 Q. Do you recall -- the cans that you saw, do you
19 recall, generally, whether they had tops on them?
20 A. No tops.
21 Q. I think you also referred to bags.

22 A. Paper bags.
23 Q. Paper bags. Can you describe those for me?
24 A. Empty 40, 50-pound bags.
25 Q. And do you recall whether the bags had any

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1 markings on them?
2 A. No.
3 Q. You described them as empty. Do you recall ever
4 seeing any material in them?
5 A. Dust.
6 MR. BENIK: Objection.
7 A. All different colors.
8 Q. How often did you see the bags in the container?
9 A. All the time.
10 Q. About how much of a load would be made up of
11 these empty bags?
12 A. Better than half the load.
13 Q. Okay. I think you also mentioned that you saw
14 Speedy Dry in the container?
15 A. Yes.
16 Q. About how often did you see Speedy Dry in the
17 container?
18 A. Every time they would change the dye in the
19 plant, they would empty these paint cans and
20 change the colors of the paint that was in that
21 can so they would put Speedy Dry in the can to
22 absorb that.
23 Q. Do you recall about how often that happened?
24 A. Whenever, you know --
25 Q. Do you recall on average whether that happened

1 more than once a month?

2 MR. BENIK: Objection.

3 A. I would say so.

4 Q. You've talked about the paint. Do you recall
5 seeing any other kinds of liquids in the
6 container?

7 A. No.

8 Q. Do you recall seeing anything you would recognize
9 as varnish?

10 MR. BENIK: Objection.

11 A. No.

12 MR. JACKSON: Are you doing okay or do
13 you want to take a break?

14 THE WITNESS: I'm fine.

15 MR. MURPHY: I could actually use a
16 two-minute break.

17 MR. JACKSON: Okay. Take a five-minute
18 break.

19 (A recess was taken.)

20 Q. Mr. Shea, can you tell me in a typical load about
21 how many paint cans you saw in the container?

22 A. Be impossible to tell you the count because
23 they're all crushed.

24 Q. Okay. Let's --

25 (Plaintiffs' Exhibit Number 1 was so

1 marked.)

2 Q. All right. Mr. Shea, you've been handed what's
3 been marked as Exhibit 1. Have you had a chance

4 to review that document?
5 A. Yes.
6 Q. And can you tell me what it is?
7 THE WITNESS: Exactly what do you want
8 to know?
9 Q. Okay. Can you tell me, generally, what that
10 document is?
11 A. It's a copy of my statement.
12 Q. Okay. And let's look on the third page. Is that
13 your signature?
14 A. Yes, sir.
15 Q. Okay. Let me ask you a couple of questions about
16 this document, Mr. Shea. At the top of Page 2 --
17 strike that.
18 Let's do it this way. Let's look at the
19 bottom of Page 1, that last sentence. Can you
20 read that?
21 A. "This company made oil-based and latex paints.
22 The truck drivers disliked this pick up."
23 Q. Continue to the end of that sentence.
24 A. "Because they would get covered with paint
25 from the container."

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1 Q. Okay. Let's stop there for a moment. Do you
2 recall ever getting covered with paint --
3 A. Yes.
4 Q. -- from the container?
5 A. (Nods head in the affirmative).
6 Q. And under what circumstances did that happen to
7 you?

8 A. When you were tying off the load on the back
9 of the container, put the canvas on, or when you
10 had to dig it out when a load was stuck you had
11 it all over your clothes, your hands, shoes,
12 rubber gloves, you know, plus it would drip out
13 of the back of the container when you were going
14 down the highway.

15 Q. Okay. And do you recall about how often you got
16 paint on you?

17 A. Every time that you changed it.

18 Q. And do you recall about how often the paint would
19 leak out when you were on the highway?

20 A. Every time we went down the highway. They
21 would try to dry it up with the paper bags and
22 the Speedy Dry, but, you know, that machine was
23 running constantly just pressing that paint out
24 of those cans because they burst, you know. Got
25 4,000 pounds of hydraulic pressure in the

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1 machine.

2 Q. Okay. Mr. Shea, on those occasions when you
3 picked up waste from the Milford facility, do you
4 recall where you disposed of the waste?

5 A. Either J.M. Mills or Davis Landfill and the
6 Attleboro Landfill when it was open.

7 Q. Okay. Did there come a time when the Attleboro
8 Landfill closed?

9 A. Yes.

10 Q. And do you recall approximately when that was?

11 A. I think it was around '78 or '79.

12 Q. Do you recall approximately what percentage of

13 the time you would have taken the waste to J.M.
14 Mills from that Milford facility?
15 A. Once a week. Once a week.
16 Q. Right. But do you recall, I think you said --
17 you testified that you took it to either J.M.
18 Mills or Davis?
19 A. Yes.
20 Q. Or before they closed, the Attleboro landfill?
21 A. Yes.
22 Q. So I'm asking you --
23 A. After Davis landfill was closed --
24 Q. Okay.
25 A. -- they went to Mills all the time.

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1 Q. Okay. Thank you. And do you recall
2 approximately when the Davis landfill closed?
3 A. No, I don't. Don't have the date on it.
4 Q. And while the Davis landfill was still open,
5 would you have taken the waste from the Milford
6 facility, on occasion, to J.M. Mills as well as
7 Davis?
8 MR. BENIK: Objection.
9 A. We stopped taking it to the Davis landfill
10 because it was too far of a trip. And then the
11 neighbors were complaining about the waste on the
12 road, not only from the Benjamin Moore but from
13 the glass container from the other company,
14 because when you drive on bumpy roads that stuff
15 comes out.
16 Q. Let me do it this way. Do you recall -- when you

17 first started picking up waste at the Milford
18 facility --
19 A. Yes.
20 Q. -- do you recall whether the Davis Landfill was
21 open at that point?
22 A. No, I don't think so. We weren't dumping in
23 there at that point when I first started.
24 Q. Okay. So when you first started picking up waste
25 from the Milford facility, do you recall where

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1 you took the loads from that facility?
2 A. Attleboro.
3 Q. And then once Attleboro closed, do you recall --
4 A. Went to Davis.
5 Q. Okay. And then once Davis closed?
6 A. Went to Mills.
7 (Plaintiffs' Exhibit Number 2 was so
8 marked.)
9 MR. JACKSON: Let's take a break for a
10 second.
11 (A recess was taken.)
12 MR. JACKSON: Let's go back on the
13 record.
14 Q. Okay. Mr. Shea, you've been handed what's been
15 marked for identification as Exhibit 2. This is
16 a document consisting of several pages. First
17 one has Bates number WM0006950 and it's labeled
18 at the top "Roll-off Route Master." Do you see
19 that, Mr. Shea?
20 A. Yes.
21 Q. Okay. Are you familiar with this kind of

22 document, generally?

23 A. Yes.

24 Q. Okay. Can you tell me what this is?

25 A. That is the roll-off sheet that the dispatcher

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1 made out for the driver when they started that

2 different system in 1981.

3 Q. Okay. When you say the "different system," can

4 you explain --

5 A. Before, the other system was verbal stop to

6 stop.

7 Q. Okay.

8 A. When Patricia Stetson took over as the

9 dispatcher, she started this system here so she

10 didn't have to sit by the radio all day long.

11 Q. Okay.

12 A. She would make the sheet out the night before

13 and clip it on the driver's clipboard because we

14 all had our own clipboards hanging in the office.

15 Q. Okay.

16 A. And this would be the orders, Armstrong Cork

17 Number 2, that's a compactor machine with trash

18 in it, and the open top which was out in the yard

19 which would have pallets in it and taken to

20 Braintree, but that means he changed them and he

21 left it in Braintree.

22 Benjamin Moore, Milford, that would go to

23 J.M. Mills, then after that he would probably go

24 back to Armstrong Cork, pick up the open top and

25 bring it back to the yard.

- 1 Q. Okay. And so would you -- once this system was
2 instituted --
- 3 A. Yeah.
- 4 Q. -- as a roll-off driver, would you pick up one of
5 these every day?
- 6 A. Yes.
- 7 Q. At the beginning of the day?
- 8 A. Yes.
- 9 Q. And what would you do with it at the end of the
10 day?
- 11 A. Turn it in with your time sheet.
- 12 Q. Okay. Turn it in to --
- 13 A. Dispatch.
- 14 Q. Okay. Now, this one says -- in the upper
15 right-hand corner appears to say Number 34, Mike?
- 16 A. That's --
- 17 Q. Do you know who that refers to?
- 18 A. Me.
- 19 Q. Okay. What does that 34 refer to?
- 20 A. My truck number.
- 21 Q. Okay. And do you recall whether that was the
22 truck you generally drove --
- 23 A. Yes.
- 24 Q. -- throughout the time you were driving
25 roll-offs?

- 1 A. Yes.
- 2 Q. Okay. So on this one, as you've indicated, it

3 says "Benjamin Moore Milford" indicating that you
4 were to pick up that container on that day?
5 A. Yes.
6 Q. Okay. And, again, what does the J.M. Mills refer
7 to?
8 A. J.M. Mills landfill.
9 Q. Okay. And is that the designated disposal
10 location for that load?
11 A. Yes.
12 Q. Okay. And, I'm sorry, again, the date on that
13 one?
14 A. September 16th, 1981.
15 Q. I'm sorry. I think you're looking at the second
16 page.
17 A. Oh, all right. July 30th, 1981.
18 Q. Okay. Let's look at the next page. I think you
19 indicated that one's dated September 16th, 1981?
20 A. Yes.
21 Q. And, again, appears to say "Number 34, Mike
22 Shea"?
23 A. Yes.
24 Q. And that refers to you?
25 A. Yes.

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1 Q. Okay. And what stops are indicated on this one?
2 A. Take the empty open top and have to switch at
3 Outlet Specialty, which was in Braintree.
4 Q. And then is there another stop indicated here?
5 A. Yes, Outlet Specialty warehouse in Braintree.
6 Q. Is there another stop indicated after that?
7 A. Benjamin Moore Milford to J.M. Mills.

8 Q. Okay. And does that refer to the facility we
9 were discussing previously?
10 A. Yes.
11 Q. Okay. Next page appears to be dated
12 September 29th.
13 A. Yes.
14 Q. Okay. And what's the last stop indicate there?
15 A. Benjamin Moore Milford, J.M. Mills Landfill.
16 Q. And, again, does that refer to the facility we've
17 been discussing?
18 A. Yes.
19 Q. Okay. Let's look at the next page dated
20 October 27th. Okay. Again, what's the third
21 stop indicated there?
22 A. Benjamin Moore Milford to J.M. Mills Landfill.
23 Q. Okay. Let's look at the next page. Appears to
24 be dated December 7th, 1981. What's the second
25 stop indicated there?

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1 A. Benjamin Moore Milford, J.M. Mills Landfill.
2 Q. Okay. Let's look at the next page dated
3 January 26th, 1982. What's the first stop
4 indicated there?
5 A. Benjamin Moore Milford, J.M. Mills Landfill.
6 Q. Okay. Let's look at the next page,
7 February 12th, 1982. What's the second stop
8 indicated there?
9 A. Benjamin Moore Milford, J.M. Mills Landfill.
10 Q. Okay. Let's look at the next page, May 7th,
11 1982. What's the second stop indicated there?

12 A. Benjamin Moore Milford, J.M. Mills Landfill.
13 Q. Let's look at the next page, June 14th, 1982.
14 What's the first stop there?
15 A. Benjamin Moore Milford, J.M. Mills Landfill.
16 Q. There appears to be some writing under the
17 "Benjamin Moore Milford." Can you make out what
18 that says?
19 A. "Pick up container in yard."
20 Q. Do you know what that would refer to?
21 THE WITNESS: At the top of the slip, do
22 you see where it says "bobtail"?
23 MR. JACKSON: Yes, sir.
24 A. That means I went up there without a
25 container.

55

1 Q. Went up where?
2 A. To Benjamin Moore.
3 Q. Okay.
4 A. I didn't take a container with me from the
5 yard.
6 Q. Okay.
7 A. So there was a container in the yard, so I
8 took Benjamin Moore's and ran it, that compactor
9 container, to J.M. Mills. I brought the
10 container back, I picked up the empty container
11 that was sitting in Benjamin Moore's yard.
12 Q. Okay.
13 A. We used to do a lot of bobtailing especially
14 with construction vehicles, open tops.
15 Q. And can you just explain again what "bobtailing"
16 refers to?

17 A. You don't carry a container with you.
18 Q. Okay.
19 A. It's like you see a tractor trailer going down
20 the road without the trailer, that's bobtailing.
21 Q. Okay. Let's look at the last page. Appears to
22 be dated June 2nd, 1982. What's the first stop
23 indicated there?
24 A. Benjamin Moore Milford, J.M. Mills Landfill.
25 Q. Okay. So in each case, would the Benjamin Moore

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1 Milford refer to the facility we were discussing
2 previously?
3 A. Yes.
4 (Plaintiffs' Exhibit Number 3 was so
5 marked.)
6 Q. Okay. Mr. Shea, actually, let me ask you one
7 more question on Exhibit 2.
8 A. Yes.
9 Q. And, again, these roll-off route master sheets
10 show the site where you were supposed to dispose
11 of the load?
12 A. Yes.
13 Q. Generally, did you, in fact, dispose of the loads
14 at the location indicated on the roll-off route
15 master sheets?
16 A. Yes.
17 Q. All right. Let's look at Exhibit 3, which is a
18 multi-page document. The first page has Bates
19 labeled WM0003317 in the lower right-hand corner,
20 and at the top it says, "Cal's Enterprises

21 Drivers Daily Report." Are you familiar with
22 this kind of document, generally?
23 A. Yes.
24 Q. Okay. Can you tell me what this is, generally?
25 A. This is all my time schedule for the day,

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1 whatever time it took me per load, whatever time
2 was allowed in the yard to service the truck, get
3 out there, check the oil, fuel it up if
4 necessary, what time I arrived at the first job,
5 what time the job was done after it was emptied
6 at the landfill.

7 Then the next one would be what time I
8 arrived at Benjamin Moore and what time it was
9 emptied at J.M. Mills. It's just a standard time
10 sheet.

11 Q. Okay. So looking at this first page, is this
12 your handwriting?

13 A. Yes, this is mine.

14 Q. Okay. So at the top where it says "driver" --

15 A. Yes.

16 Q. -- is that your signature?

17 A. Yes, sir.

18 Q. Okay. And so this is a document that you filled
19 out?

20 A. Yes.

21 Q. And would you have filled out one of these for
22 each day?

23 A. Every day.

24 Q. And, again, what did you do with it when the day
25 was over?

- 1 A. Turned in with this sheet and all the other
2 slips.
- 3 Q. When you say "this sheet," you're referring to
4 Exhibit 2?
- 5 A. Right.
- 6 Q. Okay. What's the date on this first page?
7 A. February 2nd, 1979.
- 8 Q. Okay. And so what does this sheet indicate that
9 you did first on that day?
- 10 A. Service truck.
- 11 Q. And, again, that would involve what?
- 12 A. Checking the oil, make sure the fuel was
13 filled, but normally we did all that stuff at
14 night.
- 15 Q. And what does the sheet indicate you did next?
- 16 A. I went to Cape Dory in Taunton, emptied a
17 container at the Taunton landfill and then from
18 the Taunton landfill I proceeded to drive to
19 Benjamin Moore, change that compactor to J.M.
20 Mills, emptied it there, went back to the Milford
21 area to pick up Foster Forbes glass, took that to
22 J.M. Mills. From J.M. Mills, I went to King's in
23 Franklin, which was a department store, changed
24 the compactor and brought that back to the Paper
25 Shop because they recycled it and I checked the

- 1 truck and parked. That was my time for the day,
2 12 hours.

3 Q. Okay. Let's look at the next page, which appears
4 to be -- what's the date on that one?
5 A. March 7th, 1979.

6 Q. Does this page reflect that you also picked up a
7 load from Benjamin Moore on that day?
8 A. Yes.

9 Q. Let's look at the next page. Okay. This one
10 appears to be dated May 2nd, 1979?
11 A. Yes.

12 Q. Let's look at the third entry down on that day --
13 A. Yes.

14 Q. -- starting at 7:00. What does that indicate?
15 A. That meant I was waiting at their yard at
16 7 o'clock in the morning for them to open the
17 gates.

18 Q. I'm sorry. What is that third entry? What does
19 it say?
20 A. "Benjamin Moore, emptied compactor at J.M.
21 Mills."

22 Q. Okay. And I'm sorry. What does the "MT" refer
23 to?
24 A. Empty the container.

25 Q. Okay.

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1 A. It's a truck driver's abbreviations.

2 Q. Let's look at the next page. Appears to be dated
3 June 22nd, 1979?
4 A. Yes.

5 Q. Again, does this indicate that you picked up a
6 load from Benjamin Moore on that day?

7 A. Yes, take it to J.M. Mills.
8 Q. Okay. Let's look at the next page. Appears to
9 be dated October 30th, 1979?
10 A. Yes.
11 Q. Does this page also indicate that you picked up a
12 load from Benjamin Moore that day?
13 A. Yes, took it to J.M. Mills.
14 Q. Okay. Let's look at the next page. Appears to
15 be dated December 3rd, 1979?
16 A. Yes.
17 Q. It's, I guess, the fifth entry down. What does
18 that say?
19 A. "Benjamin Moore, change the compactor to
20 Cal's."
21 Q. Okay. Do you have an understanding of what
22 change compactor to Cal's refers to?
23 A. That means that the landfill was already
24 closed and we brought it back to our yard and the
25 following morning that load would go to J.M.

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1 Mills.
2 Q. Let's look at the next page, December 12th, 1979.
3 Let's look at the second entry.
4 A. Yes.
5 Q. What does that say?
6 A. "Benjamin Moore, change compactor to Davis
7 landfill."
8 Q. So is that an instance where you took the load
9 from Benjamin Moore to Davis?
10 A. Yeah.
11 Q. Okay.

12 A. On this one here, we would do it in this order
13 because we'd take that empty container of
14 Benjamin Moore to Foster Forbes so the glass and
15 the grit from their rubbish would scrape that
16 container clean.

17 Q. The container from Benjamin Moore?

18 A. Yeah.

19 Q. Okay.

20 A. Yeah.

21 Q. And when you say "scrape it clean," can you
22 explain?

23 A. The floor, because the Foster Forbes container
24 was always -- had glass in it and that floor
25 would be slippery as can be.

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1 Q. When you say "the floor," you're referring to the
2 floor of the container?

3 A. Yeah, floor of the container.

4 Q. And why would it be slippery?

5 A. Well, because when you put an empty container
6 on -- of the paint or take the paint container
7 and put it on the glass machine, all that trash
8 that's gone in there with the glass -- broken
9 glass is going to clean that container.

10 Q. Okay.

11 MR. SALLY: Just a note, it said 8.5
12 gallons of gas ten bucks.

13 MR. JACKSON: What a deal.

14 Q. Let's look at the next page. Appears to be dated
15 October 15th, 1980.

16 A. Yeah.

17 Q. Again, does that indicate that you picked up a

18 load from Benjamin Moore on that?

19 A. Yes, I did. Taken to Mills.

20 Q. Okay. Let's look at the next page, November 3rd,

21 1980. Does this indicate that you picked up a

22 load from Benjamin Moore on that day?

23 A. Yes, to J.M. Mills.

24 Q. Okay. Next page, November 14th, 1980, does this

25 indicate you picked up a load from Benjamin Moore

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1 on that date?

2 A. Yes, taken to Mills.

3 Q. Next page, December 12, 1980, does this indicate

4 you picked up a load from Benjamin Moore on that

5 date?

6 A. Yes, taken to Mills.

7 Q. Next page, January 6th, 1981.

8 A. Yes.

9 Q. Picked up a load from Benjamin Moore?

10 A. Taken to Mills.

11 Q. Okay. Next page, January 26, '81, Benjamin

12 Moore?

13 A. Taken to Mills.

14 Q. Okay. Next page, February 11th, '81, again,

15 picked up a load from Benjamin Moore?

16 A. Yes, taken to Mills.

17 Q. Okay. Next page, February 20th, 1981?

18 A. Benjamin Moore, taken to Mills.

19 Q. Okay. Next page, March 25th?

20 A. Benjamin Moore, taken to Mills.

21 Q. Next page, May 22nd?
22 A. Benjamin Moore, taken to Mills.
23 Q. Next page, June 5th, 1981. Now, can you --
24 A. Where am I? Benjamin Moore.
25 Q. Can you tell me what this one says?

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1 A. Deliver empty compactor to replace one with
2 paint.
3 Q. And do you have an understanding what that refers
4 to?
5 A. I would imagine that meant someone left a load
6 in the yard and there wasn't a container on the
7 machine. The Benjamin Moore load was left in
8 Benjamin Moore's yard because it's leaking paint.
9 Q. Okay.
10 A. So we brought another container there.
11 Q. Okay. Do you recall whether there were instances
12 when you did that?
13 A. From time to time, we would do it.
14 Q. And, again, can you explain what would cause you
15 to leave the container there?
16 A. Because it was leaking too much paint out of
17 it. We would put the front wheels -- all those
18 containers have four wheels on them, some had
19 legs, and what you would do, we'd get about six
20 or eight pallets and stack four pallets under
21 each leg in the front so it would drain in their
22 yard, you know, so that's what that means.
23 Q. And on the occasions when that happened, did you
24 have occasion to observe about how much paint

25 drained out of it?

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1 A. Maybe a quart, pint, maybe a quart or more.
2 If I left the container in the yard to drain, it
3 was quite a bit of paint.
4 Q. Quite a bit?
5 A. Yeah. Now, and this instance on the 8th --
6 Q. Oh, you're looking at the next page now?
7 A. Yeah.
8 Q. Okay. Yeah.
9 A. That container I let drain. I went up there,
10 picked it up and took it to J.M. Mills after I
11 put an empty on the machine.
12 Q. Okay. Let's look at the next page. Appears to
13 be dated July 23rd, '81?
14 A. Yeah.
15 Q. Again, can you --
16 A. Benjamin Moore. Here's one right here.
17 Change compactor, left on premises to drain.
18 That was another one that was leaking paint.
19 Q. Okay.
20 A. See, some drivers would take the chance and
21 haul them down the road. I wouldn't, you know,
22 because I don't like getting yelled at by Cal
23 Overlock because he's got to pay to paint the
24 car.
25 Q. When you say he has "to pay to paint the car,"

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1 what are you referring to?

2 A. The splashing that's coming out of that truck,
3 it's going on the hood of your car.
4 Q. Okay.
5 A. I don't think you'd like it on your Mercedes.
6 THE WITNESS: Are we all set with that
7 sheet?
8 MR. JACKSON: Yes.
9 Q. Now, during the time when you were picking up
10 waste from the Milford facility, were there other
11 drivers who also picked up --
12 A. Yes.
13 Q. -- waste there?
14 A. Yeah. I got elected by the senior men,
15 because all the good jobs go by seniority, and
16 the Milford area was, like, scheduled pick-ups.
17 The Foster Forbes glass was Monday, Wednesday and
18 Friday, and this one here was one day during the
19 week up there, and that was one of the furthest
20 runs we had. So it was more time-consuming, so
21 it would give me more overtime.
22 Q. All right. I think we're on the page dated
23 July 30th, 1981.
24 A. Yes.
25 Q. Okay.

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1 A. Benjamin Moore, J.M. Mills.
2 Q. Okay. Let's look at the next page which appears
3 to be dated September 17th, 1981.
4 A. Yes.
5 Q. Can you make out what that third entry says?
6 A. I'm picking up the -- oh, I'm bringing an

7 empty compactor to Benjamin Moore because I left
8 the other loaded one sitting in the yard. Oh,
9 here we go right here. And remove four drums
10 from load and return to Benjamin Moore. So there
11 was four empty drums in that loaded container
12 that I had that I emptied.

13 Q. Okay. So there were four drums --

14 A. Yes.

15 Q. -- in the container that you were taking back to
16 Benjamin Moore?

17 A. Yes.

18 Q. Okay.

19 A. Because whoever was at the landfill at the
20 time must have saw the drums and complained to
21 me, so I called in dispatch and they told me take
22 them back to Benjamin Moore.

23 Q. Okay. So let me make sure I understand your
24 testimony, Mr. Shea. Is it your testimony that
25 the drums would have come originally from

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1 Benjamin Moore?

2 A. Yes.

3 Q. And you were taking them back to Benjamin Moore?

4 A. Yes, because whatever container I place on the
5 machine is always empty, so I know that I didn't
6 deliver them there. Someone threw them in their
7 container and the only way they can throw it in
8 is from the inside of the building.

9 Q. Okay. Do you recall instances in which there
10 were drums in that container from the Milford

11 facility?
12 A. Yes, I remember returning those there.
13 Q. Can you describe the drums?
14 A. Black, white tops. That's all. 55 gallons.
15 Q. Okay. Do you recall, did they have any markings
16 on them?
17 A. I didn't notice.
18 Q. Okay. You said they had tops on them?
19 A. Yeah.
20 Q. Okay. Do you recall any other occasions on which
21 you saw drums?
22 A. I think that's the only time that I seen them
23 in the load.
24 Q. All right. Let's look at the --
25 A. If I didn't have to dig out the load, I

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1 normally wouldn't find anything. I mean, it was
2 rare that the load would come out on its own, but
3 sometimes it did, so if that happened I just
4 drove off. It would be the machine operator that
5 would catch something like that when he's pushing
6 the load.
7 Q. Let's look at the next page, September 29th,
8 1981.
9 A. Benjamin Moore, J.M. Mills.
10 Q. Okay. Next page, October 27th, '81?
11 A. Benjamin Moore, J.M. Mills.
12 Q. Next page, December 7th, 1981?
13 A. Benjamin Moore, J.M. Mills.
14 Q. Next page appears to be January 26, 1982.
15 A. Benjamin Moore, J.M. Mills.

16 Q. And last page, February 12th, 1982?
17 A. Benjamin Moore, J.M. Mills.
18 Q. And each of these pages we've just looked at,
19 Mr. Shea, each of these contains your
20 handwriting?
21 A. Yes.
22 Q. And each of these contains your signature?
23 A. Yes.
24 Q. Now, I think you just testified a moment ago,
25 Mr. Shea, that it was rare that the loads would

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1 come out on their own?
2 A. Yes.
3 Q. Okay.
4 A. They were packed so tight. Between the tin
5 cans, the bags and the pressure in our machine.
6 In the compactor machine, the way it packs, the
7 ramp pushes it in this way and then it curls up
8 and around. That's what holds it in.
9 Q. Okay. Can you describe for me, again, briefly
10 what you did when the load would not come out on
11 its own.
12 A. I would take my shovel out, get underneath the
13 bottom at the floor and keep wiggling it. Some
14 of the containers had cables inside where the
15 container cable would go all the way around the
16 front of the container on the inside and you'd
17 take the two hooks and you'd hook it onto the
18 bucket of the front end loader and they would
19 pull it out. We used to do that more with the

20 cardboard loads, though.
21 Q. Okay. Mr. Shea, are you familiar with a company
22 called Teknor Apex?
23 A. I've seen their trucks on the road, tankers.
24 Q. Did you ever have occasion to pick up waste --
25 A. No.

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1 Q. -- at a Teknor Apex facility?
2 Are you familiar with an entity called
3 Blackstone Valley Electric?
4 A. I've seen the trucks on the road, that's all.
5 Never hauled any waste from there.
6 Q. Okay. What about Carol Cable?
7 A. No.
8 Q. What about Hollingsworth & Vose?
9 A. No.
10 Q. What about Wyman-Gordon?
11 A. No.
12 Q. What about A.T. Cross?
13 A. No.
14 Q. What about Leech & Garner?
15 A. No.
16 THE WITNESS: That A.T. Cross, is that
17 in Lincoln, Rhode Island?
18 Q. Do you recall an A.T. Cross facility in Lincoln,
19 Rhode Island?
20 A. I don't -- I think I delivered a construction
21 container there once, but I never picked it up.
22 Q. Okay.
23 A. Because we had a Paramount Press company in
24 Lincoln, Rhode Island, but that was all

25 recyclable paper. It was all shredded.

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1 Q. Mr. Shea, do you recall whether you ever had any
2 discussions with anyone at the Benjamin Moore
3 Milford facility about the paint dripping out of
4 the container?

5 A. Yes.

6 Q. And can you describe for me, generally, what
7 those discussions were about.

8 MR. BENIK: Objection.

9 A. I told them I wouldn't haul the load anymore
10 unless they signed this slip that my dispatcher
11 gave us, gave a bunch of us, little cards --
12 little cardboard cards stating that they were
13 guarantying that there was no HAZMAT or dripping
14 paint in that container and he refused to sign
15 it.

16 Q. When you say "he," who are you referring to?

17 A. It was a man that worked in the lab.

18 Q. Okay.

19 A. The men in the warehouse, none of them would
20 sign anything anymore.

21 Q. Okay. Do you recall approximately when this
22 discussion took place?

23 A. It was one of the last times that there was
24 paint in there.

25 Q. Okay. Any other discussions with them that

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1 you --

2 A. He denied that there was ever any paint in
3 there.
4 Q. Okay.
5 A. But when it's coming out of the container,
6 there's something in there.
7 Q. Any other discussions you recall with anyone at
8 the Milford facility?
9 A. No.
10 MR. JACKSON: I think that's all the
11 questions I have for you right now, Mr. Shea.
12 So what's your druthers at this point, Greg?
13 Do you want to take a lunch break.
14 MR. BENIK: I've got a 2 o'clock. I
15 just have a few questions.
16 MR. MURPHY: If you want to do it
17 before.
18 MR. JACKSON: That's okay. And then
19 does anybody else have any cross but him? I
20 assume not. So why don't you go ahead, Greg, and
21 we can take a lunch break at that point.
22 MR. MURPHY: Then I'll go.
23 EXAMINATION BY MR. BENIK
24 Q. Good afternoon, Mr. Shea. My name's Greg Benik.
25 I represent Benjamin Moore.

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1 I'm looking at your Exhibit 1, which is the
2 affidavit.
3 A. Yes.
4 Q. Can you tell me did you actually write the words
5 that are set forth in this affidavit?

6 A. No.
7 Q. Who did that for you?
8 A. It was a representative of Waste Management.
9 Q. I see. And who was that?
10 A. Gene O'Neill.
11 Q. And who is Gene O'Neill?
12 A. He told me he was an investigator for Waste
13 Management.
14 Q. Had you ever met him before?
15 A. No.
16 Q. Did he show you any identification?
17 A. Yes.
18 Q. And what did that identification show?
19 A. Driver's License with his picture on it.
20 Q. Did he show you any identification that
21 demonstrated he was with Waste Management?
22 A. All he had -- the briefcases had Waste
23 Management on them.
24 Q. Okay. Did he tell you why he wanted this
25 affidavit?

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1 A. Yes.
2 Q. What did he tell you?
3 A. He was investigating the Davis Landfill.
4 Q. I see.
5 A. They were involved in the cleanup.
6 Q. If you look to the last page, I see your
7 signature. I take it that's your signature,
8 correct?
9 A. Yes.
10 Q. To the left, there's a -- it says, "My commission

11 expires," do you know whose signature that is? I
12 can't quite read it.
13 A. I don't know.
14 (A discussion was had out of the hearing
15 of the reporter.)
16 MR. CONNORS: Whatever you remember.
17 It's your testimony.
18 A. That was a card that was stapled to the
19 paperwork when it was mailed to me.
20 Q. I guess I don't follow that.
21 A. There was a business card.
22 Q. Okay.
23 A. That's what that was. It was stapled to
24 the -- my copy.
25 Q. And whose business card was it?

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1 A. Just that's what was mailed to me.
2 Q. How is it that this information -- did you give
3 this information to Mr. O'Brien?
4 THE WITNESS: Who?
5 Q. Who did you give this information to again? I'm
6 sorry. Who was the fellow that wrote the words
7 that are in this affidavit?
8 A. It was a lady, secretary.
9 Q. And what was her name again?
10 A. I don't know.
11 Q. Okay. Well, I thought you identified an
12 individual who actually wrote these words from
13 Waste Management.
14 A. No. Gene O'Neill came to my house --

15 Q. Okay.
16 A. -- with all this paperwork of identical to
17 this except they were green sheets.
18 Q. Oh, I see.
19 A. You know, to verify where this stuff went, you
20 know. And the girl took down the notes, and
21 about three weeks later they came back and handed
22 me the copies and I read them and I signed them.
23 Q. Did you keep any of those green sheets that --
24 A. No, I never had them.
25 Q. You never had them?

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1 A. No.
2 Q. Did you look at those green sheets?
3 A. Yes.
4 Q. How many were there, roughly?
5 A. Same amount you've got here, I guess, maybe
6 more.
7 Q. After you signed this affidavit in 1993, did you
8 see it at any time after that?
9 A. No.
10 Q. Have you been interviewed by anybody else
11 regarding the Davis site?
12 A. No.
13 Q. Have you been interviewed by anybody else
14 regarding the J.M. Mills site?
15 A. No.
16 Q. How is it that you know that Benjamin Moore made
17 oil-based and lacquer paints?
18 A. I didn't know about lacquer paint.
19 Q. How did you --

20 A. Latex paint.
21 Q. I'm sorry. Latex. How did you know that
22 Benjamin Moore made oil-based paints?
23 A. They hit you in the face when you walked in.
24 Q. Describe that, please.
25 A. Smell of turpentine. That's oil-based paint.

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1 Q. And how did you smell that? What did you smell?
2 A. Smells like paint.
3 Q. And you say in your affidavit that Ben Moore also
4 made latex paint?
5 A. Yes. I seen some of the labels on the boxes
6 when I went in there. When I went to talk to
7 them about the paint in the containers, they
8 explained to me how they get those empty
9 containers, you know. And I says, "Well, what do
10 you do with the paint, just throw it in the
11 container?" He says, "No, we recycle it. It
12 goes back into the vats." And they put dyes in
13 there to change the colors and they -- I guess
14 whatever stock they couldn't sell, you know.
15 There was nothing wrong except the colors, nobody
16 wanted them.
17 And they would put the sawdust -- the Speedy
18 Dry in those cans hoping it would dry it up. But
19 once it goes in that machine, whatever the liquid
20 that's in there, it's --
21 Q. Did you pick up anything aside from a 42-yard
22 container at the Benjamin Moore facility?
23 A. No. Maybe once in a while an open top with

24 pallets, but --

25 Q. Was the last time you visited Benjamin Moore in

79

1 1983?

2 A. I guess.

3 Q. Because at that point you became a dispatcher,
4 correct?

5 A. Yes.

6 Q. How many commercial customers did Cal's have
7 while you were an employee there?

8 A. Oh, quite a few. We had all the Kmart's, all
9 the Fernandes supermarkets, a lot of the small
10 mini malls. We went everywhere.

11 Q. Did you have any manufacturing facilities that
12 you picked up at?

13 A. A dress making place, stuff like that,
14 Puritan's, Puritan Factory Outlet in Taunton, but
15 that went to the Taunton landfill.

16 Q. During the period when you were employed from '76
17 through '83, did you take other material other
18 than from Benjamin Moore to J.M. Mills?

19 THE WITNESS: From Benjamin Moore?

20 MR. BENIK: No. No, material from
21 facilities other than Benjamin Moore.

22 A. Yeah.

23 Q. What percentage of your pick-ups were disposed of
24 at J.M. Mills?

25 A. Oh, in that period of time, I would say most

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1 of them unless it was recyclables. Because at
2 that time in period (sic) there were landfills
3 closing one after the other so it was a search to
4 find landfills that would take your stuff.

5 Q. When you were a dispatcher, did you keep a master
6 list of all of Cal's customers?

7 A. No.

8 Q. Do you know if any such list exists?

9 A. I would imagine it would be at corporate
10 headquarters.

11 MR. BENIK: That's all I have.

12 MR. JACKSON: Just one follow-up
13 question, Mr. Shea.

14 EXAMINATION BY MR. JACKSON

15 Q. Referring to Exhibit 1 --

16 A. Yes.

17 Q. -- your affidavit --

18 A. Yes.

19 Q. -- did you believe that what was written here was
20 true when you signed it?

21 A. Yes.

22 MR. JACKSON: Okay.

23 MR. SALLY: I have a couple, just a
24 couple questions.

25 EXAMINATION BY MR. SALLY

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1 Q. Mr. Shea, where was this affidavit taken?

2 A. In my dining room.

3 Q. They came to your house?

4 A. Yes.

5 Q. And it was an investigator?

6 A. And his secretary.
7 Q. And his secretary?
8 A. Yes.
9 Q. And the secretary wrote down some notes?
10 A. Yeah.
11 Q. And then, subsequently, you received this
12 typewritten script?
13 A. Yes.
14 MR. JACKSON: Okay. Let's take a lunch
15 break.
16 (A lunch recess was taken.)
17 (Plaintiffs' Exhibit Number 4 was so
18 marked.)
19 (Mr. Benik, Mr. Sherman and Ms. Barry
20 are not in the deposition.)
21 EXAMINATION BY MR. MURPHY
22 Q. We're back on the record. Mr. Shea, good
23 afternoon. How are you?
24 A. Good.
25 Q. My name is Jonathan Murphy. I represent KIK

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1 Custom Products, which is formerly known as
2 Peterson Puritan. I'm one of the plaintiffs in
3 this action and I'm going to be asking you some
4 questions about some other companies --
5 A. Yes.
6 Q. -- that you may have picked up from. And I also
7 have some, for lack of a better word, some kind
8 of cleanup questions about some of the background
9 issues, so I'll start with that. The same rules

10 apply. If at any point in time my question is at
11 all unclear, please let me know.

12 A. Okay.

13 Q. If your attorney, at any point, wants a
14 clarification and he asks you to stop, we'll stop
15 and sort out the issues that we have between us.
16 So I'm going to proceed. And, again, if you need
17 a break at any time for any reason, please let me
18 know.

19 A. Okay.

20 Q. You had indicated that in 1978 you brought your
21 first load to J.M. Mills; is that correct?

22 A. Yes.

23 Q. And you said that was in connection with a
24 contract that related to Attleboro?

25 A. City of Attleboro. That was the first time I

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1 was there.

2 Q. Could you tell me just a little bit more of what
3 your understanding was of what this contract was
4 with the City of Attleboro.

5 A. It goes out to bid every so many years to pick
6 up the household trash.

7 Q. Okay.

8 A. It was just household trash, not commercial.

9 Q. Okay.

10 A. And I think it originally -- I don't think it
11 went to Al Dumont's at all. I think his place
12 was already closed.

13 Q. Okay.

14 A. And there was a little dispute between Al

15 Dumont and SCA because they cut his throat, you
16 know, on the job bid. So they had the contract
17 for a couple weeks and they needed a third truck.
18 So seeing I was low man on the totem pole at the
19 time on roll-off, they put me in a packer truck
20 and told me to go over there. I says, "I've
21 never picked up rubbish in my life. I don't even
22 know my way around Attleboro except the main road
23 going through it." So he says, "There's two
24 extra shakers that worked the back of the truck,
25 they'll teach you the route," because the shakers

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1 are on the route all the time.
2 Q. When you say "shakers," those would be the guys
3 that are riding on the back of the truck?
4 A. On the back, yes.
5 Q. So the municipal trucks, was that -- in 1978,
6 it's your understanding that Cal's -- was it
7 Cal's or was it already SCA in 1978?
8 A. SCA.
9 Q. So is it your understanding that SCA actually got
10 the contract --
11 A. Yes.
12 Q. -- to pick up the municipal trash --
13 A. Yes.
14 Q. -- for the City of Attleboro?
15 A. Yes.
16 Q. For how many years did they have that contract?
17 A. I think it was three.
18 Q. Okay. And during that three-year period, there

19 was at least a number of occasions when you were,
20 instead of driving a roll-off truck, operating a
21 packer truck --
22 A. Yes.
23 Q. -- driving the municipal route --
24 A. Yes.
25 Q. -- in Attleboro?

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1 A. Yes.
2 Q. How many trucks did it take to do that route?
3 A. It was anywhere from two to three.
4 Q. And do you know how many days a week the --
5 A. Five days a week.
6 Q. I'm sorry. Let me finish. Just so you know --
7 A. I'm sorry.
8 Q. -- even if you're anticipating what I'm going to
9 say, it's easier on the reporter if I can finish.
10 So there were two to three trucks that were
11 picking up the municipal waste at the City of
12 Attleboro and you said it was five days a week?
13 A. Yes.
14 Q. Was that Monday through Friday?
15 A. Yes.
16 Q. And was there an arrangement that all of the City
17 of Attleboro municipal waste was to be brought to
18 J.M. Mills?
19 A. That I couldn't tell you.
20 Q. Okay. What was the connection between getting
21 the City of Attleboro contract signed and J.M.
22 Mills, was it the dispute with Al Dumont?
23 A. I don't know. I know there was a

24 disagreement, you know.

25 Q. Would the City of Attleboro runs that you made

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1 when you were driving -- I'm assuming you had two
2 guys on the back --

3 A. Right.

4 Q. -- that would actually go curbside house to
5 house --

6 A. Yes.

7 Q. -- take the garbage and dump it into the back --

8 A. Yes.

9 Q. -- of the compactor; is that right?

10 A. Yes.

11 Q. What did you do with the load when it was full?

12 A. Take it to J.M. Mills.

13 Q. Okay. So when you picked up municipal waste at
14 Attleboro, you brought it to J.M. Mills?

15 A. Yes.

16 Q. Do you remember how often you drove the packer?

17 A. Oh, maybe about six months the first time.

18 Q. Would that have been in 1978?

19 A. (Nods head in the affirmative).

20 Q. After that first six months, were there other
21 guys whose dedicated job it was to do the City of
22 Attleboro municipal route?

23 A. Yes.

24 Q. And you indicated it was household only?

25 A. Yes.

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1 Q. Do you recall if there were any restrictions on
2 what they could or could not put curbside?
3 A. No, they took everything.
4 Q. When you say "everything," what do you mean by
5 "everything"?
6 A. White goods, which is refrigerators, gas
7 dryers, cooking stoves. If it fit in the back of
8 the truck, you took it.
9 Q. Did they put -- did you ever see empty paint
10 cans?
11 A. Yeah, probably.
12 Q. Part full paint cans?
13 A. Yeah.
14 Q. Yes?
15 A. If it was in a plastic bag, they never looked,
16 you know.
17 Q. All right.
18 MR. CONNORS: Just advise my client,
19 just answer what you know versus --
20 THE WITNESS: Okay.
21 MR. CONNORS: -- other --
22 Q. Do you remember the names of any of the SCA or
23 Cal's drivers after -- you know, either during
24 the period you did your six months of driving the
25 municipal route or afterward, that drove those

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1 packer trucks? Do you remember their names?
2 A. The only one that I know -- remember was Jon
3 Ponte.
4 Q. P-O-N-T-E?

5 A. Yes.

6 Q. Do you have any recollection, at any point in
7 time, of anybody from the State of Rhode Island
8 ever contacting SCA and telling them they had
9 problems with the type of waste that was being
10 picked up --

11 A. No.

12 Q. -- from the City of Attleboro?

13 A. No, I don't.

14 Q. Do you know how many loads per truck per day were
15 going to J.M. Mills?

16 A. Two loads, minimum of two loads.

17 Q. So each truck that was doing the municipal route
18 brought a minimum of two loads to J.M. Mills?

19 A. Yes.

20 Q. And what was the capacity of those packers? Do
21 you know?

22 A. Two of them were 32-yarders and one was a 20.

23 Q. And after the City of Attleboro contract was
24 signed, is it your understanding that somehow you
25 had access to J.M. Mills to bring other

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1 customers' waste as well?

2 A. Yes.

3 Q. Do you recall the last time you went to J.M.
4 Mills?

5 A. No idea.

6 Q. Do you have any recollection of, at some point,
7 learning that the J.M. Mills landfill had closed?

8 A. No. I didn't know it was closed until I was
9 contacted by Gene O'Neill.

10 Q. Okay.
11 A. I knew it wouldn't last too much longer
12 because there was a peak.
13 Q. When you say "there was a peak" --
14 A. It was a mountain top, you know. You couldn't
15 put any more there.
16 Q. It was getting pretty full?
17 A. Yes.
18 Q. Mr. Jackson asked you about the various types of
19 paperwork that were processed during the period
20 of time that you drove for Cal's. I know we have
21 two of the types of sheets here. We have the
22 roll-off sheets and then we have the driver's
23 sheets with your own handwriting. Other than
24 those and the customer tickets, do you have any
25 recollection of any other paperwork that you had

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1 to process?
2 A. No.
3 Q. And the dump tickets, you talked a little bit
4 about J.M. Mills would hand you a ticket, a copy
5 of a ticket?
6 A. Yes.
7 Q. And am I correct that your testimony is at the
8 end of the day you'd take those tickets and you'd
9 leave them with the dispatcher?
10 A. Yes.
11 Q. Now, do you have any idea what the dispatcher did
12 with those tickets after they were handed over by
13 you?

14 A. The following morning he would turn them in to
15 the secretary upstairs. She took care of the
16 billing.
17 Q. All right. Then there was a separate document
18 you talked about, which was a customer ticket?
19 A. That was the hazardous waste ticket.
20 Q. And tell me a little bit more about that.
21 A. It's something that -- I think it's called a
22 defamation slip.
23 Q. Okay. And what was the purpose of that, to your
24 understanding?
25 A. It's "I, the undersigned, have no knowledge of

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1 any hazardous waste going in this container" or
2 something like that.
3 Q. And when for the first time did SCA create or use
4 that sort of ticket?
5 A. I don't know if they ever used it, because
6 when I called up the plant to tell them about the
7 paint they told me to get one of those tickets
8 signed. I says, "Well, where do I get those
9 tickets?"
10 Q. And do you remember about what year that was?
11 A. Oh, I don't know. Couldn't have been too much
12 longer -- too long after I first started, you
13 know, because I was getting tired of getting
14 stuck with paint every time I went there and
15 especially when it was dripping out of the
16 container going down the road.
17 Q. How many different roll-off trucks did Cal's
18 operate?

19 A. I think it was 23.
20 Q. And that was when you started in 1976 or 1977?
21 A. Yes.
22 Q. Did they have 23 roll-off trucks operating?
23 A. Yes.
24 Q. So did they have, to your knowledge, 23 drivers?
25 A. Oh, they had more than that.

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1 Q. And so the names that you gave Mr. Jackson, were
2 those just the best you could recall?
3 A. Right.
4 Q. Now, since you started answering questions this
5 morning, have any other names come to mind --
6 A. No.
7 Q. -- that were additional roll-off --
8 A. No. We used to have some drivers that
9 wouldn't stay very long, you know, because they
10 found out they really had to work, you know.
11 Then we had trailer drivers which -- from the
12 recycling shop. They were over-the-road just
13 hauling paper.
14 Q. To a recycling facility?
15 A. Yes. Half the time you never even seen them.
16 Q. Okay. Just by way of clarification, if you could
17 look at Exhibit 3 again for a moment. These are
18 the documents that Mr. Jackson showed you this
19 morning, the driver's daily report. Do you have
20 that in front of you? I just want you to look at
21 the first page. We're not going to go through
22 these in particular, but --

23 A. Okay.
24 Q. -- you indicated that there was a point in time
25 when Ms. Stetson changed the procedures.

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1 A. Yes.
2 Q. Are the types of documents that are part of
3 Exhibit 3, was that this -- the old method? Was
4 this the method before she revised it?
5 A. No, that was her new method.
6 Q. Exhibit 3 or Exhibit 2? Take a look at
7 Exhibit 2. I'm just trying to figure out which
8 is which.
9 A. Yeah, it's 2, Exhibit 2.
10 Q. Exhibit 2 is the new method, correct?
11 A. Yes. This one here --
12 Q. Exhibit 3?
13 A. -- that was always in effect. That's our time
14 sheet, the driver's time sheet.
15 Q. So in 1977 when you were driving for Cal's, you
16 would have filled out the types of sheets that
17 are part of Exhibit 3?
18 A. Right.
19 Q. And once the new method was implemented, and it
20 looks like sometime in the early '80's --
21 A. Yes.
22 Q. -- did you ever go back to using the Exhibit 3
23 type of sheet?
24 A. We used that also.
25 Q. You used both?

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1 A. Yes.
2 Q. Okay. So tell me how that worked. You'd get the
3 roll-off route master in the morning --
4 A. Yes.
5 Q. -- from the dispatcher?
6 A. Yes.
7 Q. Did that list all the stops you were supposed to
8 make?
9 A. Yes.
10 Q. And then, in addition to that, you'd also fill
11 out --
12 A. That time sheet.
13 Q. -- a driver's daily report?
14 A. Yes.
15 Q. Okay. Fair enough. From when you first started
16 bringing waste to J.M. Mills until you became
17 dispatcher -- actually, let me back up for a
18 moment.
19 Once you became the dispatcher, did you drive
20 periodically as well, too?
21 A. On occasion.
22 Q. When you say "on occasion," can you give me some
23 idea of frequency?
24 A. If we were short a driver, I would drive.
25 Q. So basically you were a relief guy?

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1 A. Yeah.
2 Q. But you weren't driving on a regular basis?
3 A. No.
4 Q. Okay. And from when you first brought a load to

5 J.M. Mills until you left SCA, did you ever learn
6 of a period of time when J.M. Mills was closed or
7 not available for taking waste?
8 A. No. We never received any official notices
9 from the company about anything.
10 Q. When you say "the company," meaning SCA?
11 A. Yeah.
12 Q. How would you learn about a change in where to
13 bring waste?
14 A. You just didn't go there anymore.
15 Q. Okay. Because the dispatch sheets --
16 A. Yeah.
17 Q. -- didn't list it?
18 A. Yeah. Then you would hear a rumor from some
19 other driver from a different company that would
20 say, "oh, this landfill is full. This one's
21 closed, can't take it here anymore," you know.
22 Q. Okay. So I'm clear then, you don't have a
23 recollection of at what point in time J.M. Mills
24 closed?
25 A. No.

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1 Q. During your trips to J.M. Mills, while you were
2 actually on-site at J.M. Mills, do you remember
3 the identities of any other trucking companies or
4 hauling companies that were also bringing waste
5 to J.M. Mills?
6 A. Just the ones that I listed before.
7 Q. The ones you listed with respect to Davis?
8 A. Yes. Goditt & Boyer, Charles George,

9 Wellesley Trucking. Actually, on that paperwork
10 I had the Town of Wellesley, but it wasn't. It's
11 Wellesley Trucking Company.

12 Q. What was the other company?

13 A. Charles George.

14 MR. CONNORS: Jonathan, can we clarify,
15 are we talking about only haulers that went to
16 J.M. Mills or just haulers generally?

17 MR. MURPHY: Haulers that you saw at
18 J.M. Mills with loads.

19 THE WITNESS: Yes.

20 Q. The three that you just mentioned, Goditt &
21 Boyer, Wellesley Trucking and Charles George,
22 those three all --

23 A. Howard, SCA Howard division.

24 Q. Howard?

25 A. Yes.

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1 Q. Was Wellesley Trucking bought by anybody? Do you
2 know?

3 A. I have no idea.

4 Q. What about Charles George?

5 A. I have no idea about that.

6 Q. Any other companies you remember, any other waste
7 haulers?

8 A. Jet Away.

9 Q. Jet Away?

10 A. Yes.

11 Q. Any others?

12 A. No.

13 Q. Okay. Let me tell you what I want to do. We

14 marked as Shea Exhibit 4 the balance of your
15 sheets. I'm going to try to do these --
16 MR. SALLY: This whole thing is going to
17 be marked as 4?
18 MR. MURPHY: Yeah. I'm going to try to
19 do this fairly efficiently. Let me also -- just
20 so everybody here knows, three of the companies
21 that show up on this sheet, Armstrong, Cork,
22 Halliday, Lithograph, which was Quebecor, and
23 also Polaroid, they've all filed for bankruptcy.
24 So although they're on the sheet here, I'm not
25 going to ask questions about them for obvious

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1 reasons. So --
2 THE WITNESS: Am I supposed to have
3 these?
4 MR. MURPHY: Yeah.
5 Q. We're going to start with the clipped sections,
6 and what I'm going to do is when I get to the
7 first company other than Benjamin Moore, I'm
8 going to have some questions about those to see
9 what you do and don't recall, Mr. Shea, about
10 that particular company.
11 This first sheet -- by the way, it's Bates --
12 and when I refer to Bates numbers, it's going to
13 be the Waste Management number. It's Bates 6252
14 and it's dated March 31st, 1980. Do you see
15 that?
16 A. Yes.
17 Q. There's a customer -- under the customer I see

18 J.M. Mills listed. Do you see that?
19 A. Yeah.
20 Q. Can you explain that?
21 A. He had -- he rented an open top container for
22 us -- from us to haul scrap metal into this
23 recycling place down here in Providence.
24 Q. Okay. So if I see any entries where J.M. Mills
25 is the customer -- and under description I see

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1 MTOT container, that means you emptied out an
2 open top?
3 A. Yes.
4 Q. But you didn't empty that out at J.M. Mills, did
5 you?
6 A. No.
7 Q. You brought scrap metal from J.M. Mills --
8 A. Yes.
9 Q. -- in an open top --
10 A. Yes.
11 Q. -- and brought it to a recycling facility?
12 A. Yes. And he actually went with me.
13 Q. Mr. Marzakowski?
14 A. Yeah.
15 Q. Let's go to the next page.
16 A. To make sure I didn't steal the money.
17 Q. Let's go to the next page. It's an April 14th,
18 1980, sheet Bates 6254. Is this essentially the
19 same -- same, essentially, type of transaction?
20 A. Yes.
21 Q. Okay. Now, if we go underneath that, Boston
22 Envelope is listed as a customer name?

23 A. Yes.
24 Q. Then it says, service, location and container
25 size, it says Canton?

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1 A. Yes.
2 Q. Is that where Boston Envelope was located?
3 A. Yes.
4 Q. Do you know where that was brought to? Are you
5 able to tell from this document?
6 A. No.
7 Q. Okay. At the top of the second page that we're
8 looking at, is this one of your sheets because it
9 says Driver Number 34?
10 A. Yes.
11 Q. Okay. Let's go to the third page, Bates 6190.
12 This is dated June 11th, 1981, and, again, this
13 would have been one of your route sheets for that
14 day, correct? Go to the third page, it's dated
15 June 11th, 1981.
16 A. Yes.
17 Q. Do you see it lists Grossman's Braintree retail
18 store?
19 A. Yes.
20 Q. Was Grossman's a customer of Cal's?
21 A. Yes.
22 Q. And does this indicate that a roll-off container
23 from Grossman's Braintree retail store was hauled
24 by you and dumped at the J.M. Mills landfill on
25 June 11th, 1981?

1 THE WITNESS: Does that say "open top"?

2 MR. MURPHY: I don't see a reference to
3 open top.

4 Q. Do you see anything here that indicates open top?

5 A. No.

6 Q. Now, let me ask you that. If you were moving an
7 open top from a customer to J.M. Mills, was
8 that -- it appears at least on a lot of the other
9 sheets you put OT on there --

10 A. Right.

11 Q. -- to distinguish from a compactor, right?

12 A. Yes.

13 Q. Would it be fair to state that in all of these
14 documents, if I don't see the designation OT that
15 it would have been a compactor?

16 A. Right.

17 Q. And that would have been a 42-yard compactor?

18 A. Yes.

19 Q. So for Page 3 of the exhibit here, does this
20 sheet indicate you brought a 42-yard compactor
21 from Grossman's and dumped it at J.M. Mills?

22 A. Yes.

23 Q. Let me ask you about Grossman's. This Braintree
24 retail store, that was in Braintree, Mass?

25 A. Yes.

1 Q. Do you remember where it was in Braintree?

2 A. Union Street.

3 Q. Are they still at that location, to your

4 knowl edge?
5 A. No. It's all long gone.
6 Q. When you say "all long gone," meani ng?
7 A. Totally gone.
8 Q. The Grossman's -- all the companies are gone, to
9 your knowl edge?
10 A. Yes.
11 Q. Do you know whether they filed for bankruptcy or
12 were acqui red by somebody else?
13 A. I think they were bankrupt.
14 Q. How often did you go to the Braintree faci lity?
15 A. They had five di fferent containers on that
16 place and it was quite often. The store was
17 about the only one that didn't get picked up that
18 often. It was what they call a will call, you
19 know. You woul dn't do it on a schedul ed pull.
20 Q. But you remember that thi s particu lar Braintree
21 faci lity had fi ve di fferent containers there?
22 A. Yes.
23 Q. Were they all compactors?
24 A. No.
25 Q. So they had open tops and compactors?

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1 A. Yes.
2 Q. Do you remember the size of the open tops?
3 A. 40-yarders.
4 Q. So how many of them were open tops?
5 A. Two.
6 Q. So two 40-yard open tops and three 42-yard
7 compactors?
8 A. Yes.

9 Q. And what did they do at that facility? What kind
10 of store was it?
11 A. They manufactured the doors, windows and they
12 had a retail store that sold anything to do with
13 wood, plumbing supplies, you know.
14 Q. Was there more than one Grossman store that you
15 picked up from?
16 A. Yes.
17 Q. Do you remember the other locations other than
18 Braintree?
19 A. Wellesley, Mass.
20 Q. Any other Grossman's that you remember?
21 A. No, not that I remember.
22 Q. Just those two?
23 A. (Nods head in the affirmative).
24 Q. Do you remember when for the first time you
25 picked up at Grossman's? Would it have been when

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1 you started --
2 A. Yes.
3 Q. -- or at some point --
4 Do you have a distinct memory of not picking
5 up at Grossman's when you first started at SCA?
6 A. No, I don't have an exact knowledge of it and
7 the time, date.
8 Q. To the best of your recollection, did you pick up
9 from Grossman's right when you first started
10 driving?
11 A. No.
12 Q. Is it your understanding that Grossman's had been

13 a customer of SCA for a period of time?
14 A. For years.
15 Q. All right. And once you started picking up at
16 Grossman's, was it a regular stop for you or were
17 you doing relief?
18 A. A regular stop.
19 Q. And let me ask you just assignmentwise about
20 that. I know we have the sheets that we have in
21 front of us here from the '80's. The new sheets
22 where you were assigned particular stops --
23 A. Yes.
24 Q. -- did the dispatcher try to send you to pretty
25 much the same customers on a regular basis?

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1 A. No.
2 Q. So she rotated customers --
3 A. Right.
4 Q. -- among the drivers?
5 A. Yes.
6 Q. So other than you, would it be fair to state that
7 a number of other Cal's drivers also picked up
8 from Grossman's?
9 A. Oh, yeah.
10 Q. Are you able to state how many containers a week
11 would have gone from the Braintree facility?
12 A. Maybe one or two.
13 Q. And did they all go to J.M. Mills?
14 A. No, they went everywhere.
15 Q. Did there come a point in time when a lot of them
16 got funneled to J.M. Mills because other
17 landfills were closed?

18 A. Yes.
19 Q. Do you remember about when that was?
20 A. No, I don't.
21 Q. Did they go to Attleboro for a while?
22 A. Probably.
23 Q. After Attleboro closed, do you remember where
24 they went?
25 A. I would say J.M. Mills or either Davis.

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1 Q. And then after Davis closed, did most of the
2 Grossman's go to J.M. Mills?
3 A. Yes.
4 Q. Same with the Wellesley, Mass, location?
5 A. Yes.
6 Q. When you stopped being a regular roll-off driver
7 and switched to --
8 A. Dispatcher.
9 Q. -- dispatching, was Grossman's still a customer?
10 A. Yes.
11 Q. How many times a week were the pick-ups from
12 Wellesley?
13 A. Oh, that was months apart. It was a very slow
14 store.
15 Q. Did you need to get anything signed from
16 Grossman's to pick it up or did you just pick it
17 up?
18 A. No, they signed.
19 Q. What do you remember about the contents of the
20 waste from Grossman's Braintree facility?
21 A. Well, they had different facilities. They had

22 the retail store, they had the window and door
23 facility, they had a workshop where they used to
24 rip lumber and store it. And then they had --
25 the last compactor they had, it was on -- they

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1 had the train tracks that went right through
2 their property, there was a compactor out there
3 and that was for whatever waste was broken on the
4 unloading of the trains, mostly wood.

5 Q. Do you know, did they finish the doors there as
6 well?

7 A. Yes.

8 Q. With paint?

9 A. No.

10 Q. Was there any sort of finishing materials? And
11 by finishing materials, I mean paint, varnish,
12 polyurethane.

13 A. No.

14 Q. Paint thinner?

15 A. No.

16 Q. Anything like that?

17 A. No, I never seen any of that.

18 Q. So what was in the container other than wood and
19 glass and metal, anything to your recollection?

20 A. Strapping, wooden pallets.

21 Q. Do you have any recollection of any sort of
22 chemical waste --

23 A. No.

24 Q. -- of any type?

25 Any hazardous materials?

- 1 A. No.
- 2 Q. Let's go to the next sheet, Bates number 5805 at
- 3 the bottom. There's a customer Berkeley
- 4 Transfer.
- 5 A. Yes.
- 6 Q. And then under notes, it says J.M. Mills. Can
- 7 you tell me what happened? This is on June, it
- 8 looks like, 26th, 1981. Berkeley Transfer, was
- 9 the customer?
- 10 A. Yes.
- 11 Q. Was that the --
- 12 A. That's the Town. It was the landfill.
- 13 Q. Okay. The Town of Berkeley, Mass?
- 14 A. Right.
- 15 Q. Is that the same town where SCA Cal's was
- 16 located?
- 17 A. Right. Same location, the Berkeley landfill.
- 18 Q. And tell me what were you transferring from the
- 19 Berkeley Transfer Station to J.M. Mills?
- 20 A. Household trash.
- 21 Q. So it would have been a 42-yard compactor full of
- 22 municipal waste from the Town of Berkeley that
- 23 was dumped at J.M. Mills?
- 24 A. Yes.
- 25 Q. And on the date that's indicated here, June 26th,

- 1 1981, you brought such a load?
- 2 A. Yes.
- 3 Q. How often did you bring the Town of Berkeley

4 municipal waste to J.M. Mills?
5 A. That I couldn't tell you. All I know is that
6 that was changed every Saturday.
7 Q. When you say "that was changed every Saturday" --
8 A. The container.
9 Q. To your knowledge, some driver from Cal's would
10 go to the Berkeley Transfer Station every
11 Saturday --
12 A. Yes.
13 Q. -- pick up the 42-yard container --
14 A. Yes.
15 Q. -- bring it to J.M. Mills?
16 A. Yes.
17 Q. Are you aware of whether there were any
18 restrictions at that transfer station as to what
19 could go in that compactor?
20 A. No.
21 Q. On occasion, you emptied that out of J.M. Mills,
22 correct?
23 A. Yes.
24 Q. And just so I'm clear, when you get to J.M.
25 Mills, you got your ticket and then you were

110

1 directed to an area to dump the compactor.
2 Can you walk me through physically where you
3 had to be during the unloading process of the
4 compactor?
5 A. In the cab of the truck.
6 Q. The entire time?
7 A. Yes.

8 Q. Did you ever have to get out of the cab when you
9 were emptying a compactor?
10 A. Only to dig it out. Oh, open the doors and
11 close the doors.
12 Q. Explain that to me. When you say "open the doors
13 and close the doors," what doors are you talking
14 about?
15 A. There was an eight-foot door on the back of
16 that compactor container.
17 Q. Was it a swinging gate hinged at the top?
18 A. Yes, swings on the side.
19 Q. Okay.
20 A. The door used to swing to the side. You'd get
21 out, put the safety chain on it, then raise the
22 body up in the air and attempt to dump it.
23 Q. Okay. Now, if it wasn't stuck, how would it
24 dump? Did you reverse the compactor and push it
25 out or did you have to pull forward?

111

1 A. No, there was no hydraulics in that container.
2 You dug it out.
3 Q. But when you say "you dug it out," how would you
4 dig it out?
5 A. With a shovel.
6 Q. Did you have occasion to observe the municipal
7 waste that was coming from the Berkeley Transfer
8 Station?
9 A. No, it was all bagged.
10 Q. Okay. So you don't know what was in there?
11 A. No.
12 Q. As far as you know, it was just general municipal

13 solid waste?
14 A. Yes.
15 Q. And you're certain that during the period of time
16 that SCA was using J.M. Mills, once a week on a
17 Saturday, somebody from Cal's brought a full
18 42-yard compactor from the Berkeley Transfer
19 Station and dumped it at J.M. Mills?
20 A. Well, for the longest time it went to the
21 Acushnet landfill because Cal was affiliated with
22 Acushnet.
23 Q. Okay. So when for the first time did the
24 Berkeley Transfer Station waste --
25 A. I don't know.

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1 Q. Well, did there come a point in time when
2 Acushnet closed?
3 A. Yes.
4 Q. Did all the Berkeley Transfer waste go to J.M.
5 Mills after Acushnet closed?
6 A. I couldn't tell you that.
7 Q. But you know some of it went to J.M. Mills?
8 A. Yes.
9 Q. Are you able to express as a percentage how
10 many --
11 A. No.
12 Q. -- how much of the loads went to J.M. Mills?
13 A. (Shakes head in the negative).
14 Q. No?
15 A. No.
16 Q. Okay. Let's go to the next page. Next page,

17 actually, we're going to skip because that's
18 Halliday which is part of Quebecor. Go to the
19 next page, Page 5772.

20 Boston Envelope Company, this is a roll-off
21 sheet for you, correct, Mr. Shea?

22 MR. CONNORS: Hang on one second. He's
23 catching up.

24 MR. MURPHY: Sorry.

25 Q. Take a look now. You're looking at page -- at

113

1 the bottom 5772. It's dated July 20th, 1981.

2 MR. CONNORS: Just keep going.

3 Q. I'm going to skip through a few if the company is
4 bankrupt. So do you see -- do you have that page
5 in front of you?

6 A. Yes.

7 Q. The driver numbered Number 34 is crossed out and
8 Number 11 is written in there?

9 A. Right.

10 Q. Any idea why that is?

11 A. Probably my truck was broke down.

12 Q. Okay. But this was your sheet?

13 A. It says my name on it.

14 Q. All right. Well, did you ever pick up from
15 Boston Envelope?

16 A. Yes.

17 Q. Okay. And did you bring 42-yard compactors from
18 Boston Envelope to J.M. Mills?

19 A. Yes.

20 Q. And does this sheet, in fact, reflect that on
21 July 20th, 1981, you brought a 42-yard compactor

22 from Boston Envelope and dumped it at J.M. Mills?

23 A. Yes.

24 Q. Do you have any knowledge or recollection as to
25 what the waste was in the Boston Envelope

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1 compactor?

2 A. Scrap paper.

3 Q. Was there anything in there other than scrap
4 paper?

5 A. Steel strapping, wood pallets.

6 Q. Anything else?

7 A. And water.

8 Q. Any chemical waste of any type?

9 A. No.

10 Q. Any ink from printing on the envelopes?

11 A. No.

12 Q. You don't recall ever seeing any hazardous
13 materials --

14 A. No.

15 Q. -- in that waste stream?

16 A. I think all they did was cut the paper there.

17 Q. Okay. Let's move on then. We're going to skip
18 the next page because that's Armstrong and
19 they're bankrupt. We're going to skip the
20 July 24th page for the same reason. We're going
21 to skip the next page, July 28th, for the same
22 reason.

23 Let me just go to just briefly the Bates
24 6952, July 29th, 1981. This says "Grossman's
25 Dock 17." That would have been another load from

- 1 Grossman's Braintree, correct?
- 2 A. Yes.
- 3 Q. And that was dumped at J.M. Mills on that date?
- 4 A. Yes.
- 5 Q. What was Dock 17?
- 6 A. That was the loading dock in the back next to
- 7 the train track.
- 8 Q. Okay. We can skip the next page. That's
- 9 Benjamin Moore. Let's go to Bates 6948. Let me
- 10 know when you have that page in front of you. Do
- 11 you see that? It's dated August 1st, 1981.
- 12 A. Yes.
- 13 Q. Is that your route sheet for that day?
- 14 A. Yes.
- 15 Q. All right. The first customer is New England
- 16 Telephone & Telegraph.
- 17 A. Yes.
- 18 Q. North Main Street, Fall River. Were they
- 19 customer account?
- 20 A. Yes.
- 21 Q. On this particular date, August 1st, 1981, does
- 22 this reflect that you hauled a 42-yard compactor
- 23 container from the North Main Street, Fall River
- 24 facility or office of New England Telephone &
- 25 Telegraph and dumped it at J.M. Mills?

- 1 A. Yes.
- 2 Q. Okay. Let me ask a little bit about that. Tell

3 me about this North Main Street, Fall River
4 facility. What was it?
5 A. It was -- it used to be where all of the
6 operators would be working and they had the
7 billing department there.
8 Q. What do you mean by the building department?
9 A. Billing.
10 Q. Billing?
11 A. Billing.
12 Q. All right. So the telephone operators worked out
13 of that facility?
14 A. Yes.
15 Q. And they had an office in processing for billing?
16 A. Right.
17 Q. Other than the Fall River location, any other New
18 England Telephone locations that you ever picked
19 up from?
20 A. I picked up -- there was another one in Fall
21 River.
22 Q. And what do you remember about that facility?
23 A. That was the repair facility where they parked
24 the trucks and stored all the wire and the poles
25 and whatever they needed to hook up telephones.

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1 Q. Do you remember where?
2 A. North Main Street.
3 Q. So it was --
4 A. Different location.
5 Q. Describe the size of that facility. What did it
6 look like?
7 A. Garage.

8 Q. You said they parked trucks there?
9 A. Yes.
10 Q. What type of trucks?
11 A. They were service trucks.
12 Q. Do you remember what capacity they had for
13 parking -- how many trucks were parked there?
14 A. Oh, probably 20.
15 Q. Do you have any knowledge as to whether that New
16 England Telephone facility had an automotive
17 maintenance shop where they serviced their own
18 trucks there?
19 A. Yes.
20 Q. Did they?
21 A. Yes.
22 Q. At the service facility -- well, let me go back
23 to the first location where the operators were
24 and the billing was. What size container did
25 they have there?

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1 A. 42.
2 Q. One 42-yard compactor?
3 A. Yes.
4 Q. How often was that picked up by SCA?
5 A. That was on a will call, so --
6 Q. Did you have knowledge of what was inside that
7 container?
8 A. Mostly paper.
9 Q. General office --
10 A. Yes.
11 Q. -- waste?

12 A. Yes.
13 Q. Do you have any recollection what the --
14 A. Phone books.
15 Q. Okay. Anything else?
16 A. No.
17 Q. Do you ever recall seeing any sort of chemical
18 waste or oil-based products --
19 A. No.
20 Q. -- or any hazardous materials in the what I'll
21 call the office facility where the operators
22 were?
23 A. No.
24 Q. Now, let's go to the maintenance facility. And I
25 want to ask you first what size container or

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1 containers were at the New England Telephone
2 maintenance facility in Fall River?
3 A. 42.
4 Q. One?
5 A. Yes.
6 Q. And that was a compactor?
7 A. Yes.
8 Q. Did you ever have an occasion to observe the
9 contents of the 42-yard compactor from the
10 maintenance facility?
11 A. Yes.
12 Q. What do you remember about its contents?
13 A. Wire, cut up telephone poles, old telephone
14 equipment and all of the driver's trash.
15 Q. What do you mean by "driver's trash"?
16 A. The guys that bring trash from home and dump

17 them in there.

18 Q. Do you remember anything unusual you ever saw in

19 there from the drivers?

20 A. A deer. It fell on me.

21 Q. The telephone poles, were they kind of creosote

22 coated?

23 A. Yes. Yes.

24 Q. How often were there cut up telephone poles in

25 this 42-yard compactor?

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1 A. Every once in a while. Not too often. They

2 weren't supposed to be in the loads.

3 Q. But they were occasionally in the loads?

4 A. Yes.

5 Q. Are you able to give me any sense of what the

6 frequency was that you'd see them in there?

7 A. No.

8 Q. Now, what about the waste from the automotive

9 servicing of the fleet?

10 A. I never seen any of that in there.

11 Q. Did you ever see any oily rags?

12 A. No.

13 Q. Speedy Dry?

14 A. Maybe Speedy Dry.

15 Q. Were there any odors --

16 A. No.

17 Q. -- that were associated with that dumpster?

18 A. No.

19 Q. You said you saw wire in there. What kind of

20 wire? Telephone?

21 A. The outside telephone wire.
22 Q. All right. Did you ever see any other -- any
23 other sort of -- any liquid waste of any type?
24 A. No.
25 Q. Any cutting oil?

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1 A. No.
2 Q. Did this facility, the garage, did they have a
3 separate shop?
4 A. It was attached.
5 Q. There was a shop attached?
6 A. Yeah.
7 Q. Did that have a separate container of any type?
8 A. I don't know. I never went inside.
9 Q. Do you know whether they did any pipe cutting in
10 there?
11 A. No, I don't think so.
12 Q. Did you ever see any metal grindings?
13 A. No.
14 Q. Ever smell any oils in the dumpster?
15 A. No.
16 Q. The 42-yard compactor from New England
17 Telephone's maintenance facility in Fall River,
18 what was the frequency of pick-up there?
19 A. On a will call.
20 Q. And can you give me any idea of how often that
21 will call was picked up?
22 A. Once every couple of months.
23 Q. Did that also go to the J.M. Mills landfill for a
24 period of time?
25 A. I guess so, yeah.

- 1 Q. Okay. When you say you guess so, I mean, was
2 there a point -- did the --
- 3 A. There was a point where they all used to go to
4 the Fall River landfill which was only right up
5 the street.
- 6 Q. Okay.
- 7 A. And then when they got taken over by BFI, we
8 didn't go there anymore.
- 9 Q. All right. Well, let's look at this sheet. This
10 is August 1st, 1981, right? And the New England
11 Telephone & Telegraph office waste was going to
12 J.M. Mills. Would that indicate to you that BFI
13 had already taken over --
- 14 A. Yes.
- 15 Q. -- the Fall River landfill?
- 16 A. Yes.
- 17 Q. Okay. So that by August of 1981, would it be
18 fair to state that if you -- if SCA was picking
19 up from any of their New England Telephone
20 customers, they were bringing them to J.M. Mills?
- 21 A. Yes.
- 22 Q. Do you know for what period of time they brought
23 them to J.M. Mills after 1981?
- 24 A. No, I don't.
- 25 Q. Do you have any knowledge of any of the New

- 1 Engl and Telephone & Telegraph waste containers
2 after August of 1981 going anywhere other than

3 J.M. Mills?
4 A. No.
5 Q. Did you personally pick up from the maintenance
6 facility in addition to the office?
7 A. Yes.
8 Q. And in addition to you, did the other SCA drivers
9 occasionally get assigned --
10 A. Yes.
11 Q. -- to handle that location?
12 A. Yes.
13 MR. MURPHY: One second here.
14 Q. Was there a Brockton, Mass, New England Telephone
15 facility?
16 A. Yes.
17 Q. Did you pick up from there as well?
18 A. Yes.
19 Q. Where was the Brockton facility located?
20 A. Let me see. Turnpike Street, I think.
21 Q. Turnpike Street?
22 A. Yes.
23 Q. Okay. And at any point in time, did you bring
24 the New England Telephone, Brockton, Mass
25 facility waste to J.M. Mills?

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1 A. I think that always went to the Brockton
2 landfill.
3 Q. Okay. "Always" meaning including -- did the
4 Brockton landfill stay open as long as J.M.
5 Mills?
6 A. Yes.

7 Q. It did?
8 A. I think so.
9 Q. You don't have any recollection of the Brockton,
10 Mass, facility waste from New England Telephone
11 ever going to J.M. Mills?
12 A. No.
13 Q. Let's go to the next page, Bates numbered 6922.
14 That's dated August 19th, 1981. Is this also one
15 of your route sheets?
16 A. Yes.
17 Q. First company, ICI. Who is ICI?
18 A. ICI Chemical Company.
19 Q. Where was ICI located?
20 A. Dighton.
21 Q. Did ICI stand for anything, to your knowledge?
22 A. No, not that I know of.
23 Q. Were they a regular SCA customer when you first
24 started there?
25 A. Yes.

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1 Q. And this sheet, the August 19th, 1981, sheet,
2 does that indicate that on that date you drove a
3 42-yard compactor from ICI in Dighton and dumped
4 it at J.M. Mills?
5 A. Yes.
6 Q. How many times did you bring 42-yard compactors
7 from the ICI Dighton location and dump it at J.M.
8 Mills?
9 A. At least once every week.
10 Q. Personally?
11 A. No, everybody got a turn.

12 Q. Okay. But this was a weekly --
13 A. Yes.
14 Q. -- run for SCI?
15 A. Yeah.
16 Q. I'm sorry. SCA. Where in Dighton was this
17 located?
18 A. It was off of 138. I can't remember the
19 street name.
20 Q. Are they still in business, to your knowledge?
21 A. No. Long gone.
22 Q. When you say "long gone," tell me what you mean
23 by that.
24 A. He tore down all the buildings.
25 Q. Do you remember when that was? Do you know

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1 if they were --
2 A. I think it was after I was released from Waste
3 Management.
4 Q. Do you know whether the company relocated
5 anywhere?
6 A. I have no idea.
7 Q. Did you ever hear whether they were bought,
8 purchased or acquired by anybody?
9 A. No.
10 Q. What did they do at that facility?
11 A. As far as I know, they made dye products.
12 Q. When you say "dye products," do you mean
13 coloring --
14 A. Yes.
15 Q. -- sorts of dye?

16 A. Yes.
17 Q. Do you know for what sort of applications?
18 A. No, I don't.
19 Q. How big was the facility? Do you remember?
20 A. Oh, it was quite large.
21 Q. When you say "quite large," tell me how large
22 quite large is?
23 A. Well, a manufacturing plant of five stories,
24 storage sheds all over the place.
25 Q. Was it the size of a city block? Bigger?

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1 Smaller?
2 A. Yeah, about the size of city block.
3 Q. Do you remember how many employees they had?
4 A. Couple hundred.
5 Q. What do you remember about the pick-up there when
6 you picked up there.
7 A. It was always quite heavy. The material
8 inside was powdery pallets, cardboard barrels,
9 whatever. They had a sludge container there,
10 too, but that went to their own landfill.
11 Q. They had a sludge container on-site?
12 A. Yes.
13 Q. And you say it went to their own landfill?
14 A. Yes.
15 Q. Do you remember where that was located?
16 A. One street away from the facility.
17 Q. Okay. Did you first pick up from ICI when you
18 first started driving for SCA?
19 A. Yes.
20 Q. And when it was your assigned turn, you'd go

21 there and pick up a 42-yard compactor?
22 A. Yes.
23 Q. And bring it to J.M. Mills?
24 A. When I first started, it went to the Fall
25 River landfill.

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1 Q. And did it go there until BFI acquired it?
2 A. Yes.
3 Q. Do you remember about when BFI acquired the Fall
4 River landfill?
5 A. No. I was in management then.
6 Q. Okay.
7 A. When they first -- when BFI took over.
8 Q. But in looking at the sheet that's in front of
9 you, you're sure that at some point the ICI
10 stuff --
11 A. Yes.
12 Q. -- stopped going to Fall River --
13 A. Yes.
14 Q. -- and SCA started bringing it to J.M. Mills?
15 A. Yes.
16 Q. Now, once SCA started bringing ICI's waste to
17 J.M. Mills, is that the only landfill it brought
18 the waste to?
19 A. Yes.
20 Q. And as with a lot of the other locations, other
21 Cal's drivers also picked up from that location
22 and dumped at J.M. Mills?
23 A. Yes.
24 Q. You became a dispatcher in 1983?

25 A. Yes.

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1 Q. This sheet shows that in 1981 the ICI waste is
2 already going to J.M. Mills, correct?

3 A. Yes.

4 Q. Do you have a recollection of bringing ICI waste
5 after August of 1981 to J.M. Mills pretty much
6 until you became a dispatcher?

7 A. Yes.

8 Q. And was there just one 42-yard compactor there?

9 A. Yes.

10 Q. No open tops?

11 A. Just that sludge container.

12 Q. Okay. And did you have occasion to observe the
13 contents of the ICI container?

14 THE WITNESS: Sludge?

15 MR. MURPHY: No, the 42-yard compactor.

16 A. Yes.

17 Q. You were telling me before a little bit, but can
18 you tell me what you remember seeing in there?

19 A. Bags, chemical bags, red powder, white powder,
20 black powder, steel strapping and pallets.

21 Q. Describe the bags that you saw, you said the
22 chemical bags.

23 A. They're like 50-pound paper bags, 40 pounders,
24 whatever.

25 Q. Full? Empty?

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1 A. Empty.

2 Q. Did they have any residue in them?
3 A. Yes, they had to.
4 Q. Do you remember seeing dust?
5 A. Yeah. Red dust, white dust, gray dust, black
6 dust.
7 Q. Was there any particular odor that you
8 remember --
9 A. No.
10 Q. -- associated with that compactor?
11 A. No.
12 Q. Was there any liquid or oily waste that you
13 recall in there?
14 A. No.
15 Q. Did you ever see any drums?
16 A. No.
17 Q. Anything else you remember about the contents of
18 that container?
19 A. No.
20 Q. Was that the only ICI facility that you picked up
21 from?
22 A. Yes.
23 Q. Let's look at the next company listed on this
24 sheet, Nabisco Number 1 at Mansfield. Do you
25 remember the type of waste that came from

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1 Nabisco?
2 A. Paper bags, pallets, strapping, cocoa powder.
3 Q. Was this one of their --
4 A. Manufacturing place.
5 Q. For food?
6 A. Yes.

7 Q. So was there kind of off-spec product that was
8 dumped in there, food ingredients?
9 A. Yes.
10 Q. Do you remember anything in the Nabisco
11 compactor that -- this is Mansfield?
12 A. Yes.
13 Q. This is the 42-yard compactor?
14 A. Yes, there were two of them there.
15 Q. Do you remember any sort of manufacturing waste
16 from their machinery?
17 A. No.
18 Q. Did they maintain their own fleet of vehicles
19 there?
20 A. They didn't have any.
21 Q. Okay. So do you have any recollection of any
22 petroleum products of any type in there?
23 A. No.
24 Q. Any oil?
25 A. No.

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1 Q. Any Speedy Dry?
2 A. No.
3 Q. Do you have any recollection of anything other
4 than wood, metal and waste associated with food
5 products?
6 A. No.
7 Q. Let me ask you about Foster Forbes. Well, let me
8 go back to Nabisco for a minute.
9 How often did the Mansfield Nabisco facility
10 have their container picked up?

11 A. On the cardboard, it was on a will call. And
12 Number 1 came back, it was on a will call.
13 Probably once every three to four weeks.
14 Q. Now, where did that waste go?
15 A. J.M. Mills.
16 Q. On a pretty regular basis?
17 A. Yes.
18 Q. So when it says Nabisco Number 1, Mansfield, that
19 means it was the Number 1 compactor?
20 A. Yes.
21 Q. How many compactors did they have there?
22 A. Two.
23 Q. They were both 42-yarders?
24 A. Yes.
25 Q. So one was designated Number 1 and one was

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1 designated Number 2?
2 A. Yes.
3 Q. Did they have the same type of waste in both of
4 them?
5 A. No.
6 Q. Okay. What was the difference between them?
7 A. One was just for cardboard.
8 Q. Okay.
9 A. The corrugated cardboard.
10 Q. And the second one was for the balance of the
11 waste coming out of the plant?
12 A. Right.
13 Q. Was Mansfield the only Nabisco facility that was
14 a customer of SCA?
15 A. For us, yeah.

16 Q. Okay. And you don't have any recollection of any
17 other waste products in the Nabisco Number 1
18 compactor that was the noncardboard, correct, the
19 Number 1?
20 A. Yes.
21 Q. Other than what you've already told me --
22 A. Right.
23 Q. -- you don't have a recollection of anything
24 else?
25 A. (Nods head in the affirmative).

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1 Q. For what period of time on an every three- to
2 four-week basis did the Nabisco 42-yard compactor
3 go to J.M. Mills?
4 A. That I couldn't tell you, how many times.
5 Q. Well, 1977 when you first started at SCA --
6 A. Yeah.
7 Q. -- were --
8 A. It was going to the Mansfield landfill --
9 Q. Okay.
10 A. -- until that closed.
11 Q. So the Nabisco Number 1 compactor didn't start
12 going to the J.M. Mills landfill until the date
13 that the Mansfield landfill closed?
14 A. Yes.
15 Q. Okay. So after the date that the Mansfield
16 landfill closed, from that point on, to your
17 knowledge --
18 A. Yes.
19 Q. -- all of the Nabisco Number 1 container loads

20 went to J.M. Mills?
21 A. Yes.
22 Q. Anything else you remember about their waste?
23 A. No.
24 Q. All right. Let me ask you, the third company
25 listed on this document is Foster Forbes in

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1 Milford. Does this particular sheet,
2 August 19th, 1981, Bates --
3 A. I'm sorry.
4 Q. We're looking at Page 6922. Do you have that in
5 front of you? It's the same one we were looking
6 at that had ICI Nabisco in front of you. Do you
7 have that front of you?
8 A. Yes.
9 Q. You've got Foster Forbes listed here --
10 A. Yes.
11 Q. -- in Milford. Does this particular document
12 that we're looking at, part of Exhibit 4,
13 indicate that on August 19th, 1981, you hauled a
14 42-yard compactor from Foster Forbes in Milford
15 and dumped it at J.M. Mills?
16 A. Yes.
17 Q. Okay. Tell me, where was the Milford Foster
18 Forbes facility located? What was the address?
19 That was Milford, Mass, by the way?
20 A. Yes. I can't remember the road.
21 Q. Can you picture the facility in your mind?
22 A. Oh, yes, it was quite large.
23 Q. And when you say "quite large," tell me what you
24 mean.

25 A. They probably employed a couple hundred

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1 people. They had their own freight line, go
2 right through the yard.

3 Q. What do you mean they had "their own freight
4 line"? Meaning tracks?

5 A. Tracks.

6 Q. Okay. So they had access to -- they had railcars
7 bringing product in and out?

8 A. Yes.

9 Q. Are they still in business, to your knowledge?

10 A. I don't know. I haven't been up that way in
11 years.

12 Q. How many Foster Forbes facilities did you
13 service?

14 A. Just that one.

15 Q. What did they do at that facility, to your
16 knowledge?

17 A. Made glass containers.

18 Q. Glass?

19 A. Yes.

20 Q. Can you give me any more of a description, when
21 you say they made glass containers, like what?

22 A. Drinking glass, glass coffee cups, glass jars,
23 wine bottles.

24 Q. Did they have furnaces there to kind of melt the
25 glass?

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1 A. Yes.

2 Q. Were they high temperature furnaces, to your
3 knowl edge?
4 A. I would say. I never went inside the plant.
5 Q. What do you remember about the pick-ups there?
6 A. Very heavy, all crushed glass, sand, pallets,
7 cardboard, strapping.
8 Q. When you say there was sand there, what color was
9 the sand?
10 A. Black.
11 Q. Did you ever talk with anybody at that facility
12 as to where the sand came from?
13 A. No. The only person I ever talked with was a
14 forklift operator that used to come and go, say
15 hello, good-bye, that was it.
16 Q. Was there any odors --
17 A. No.
18 Q. -- associated with that sand?
19 A. No.
20 Q. When did you first pick up at the Foster Forbes
21 facility in Milford?
22 A. Right after I first started working there.
23 Q. Was that a regular stop for you?
24 A. Yes.
25 Q. What about for SCA, was it a regular SCA stop?

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1 A. Yes.
2 Q. What was the frequency with which SCA picked up
3 there?
4 A. Three times a week, Monday, Wednesday and
5 Friday.

6 Q. And how many containers did they have there?
7 A. One.
8 Q. Just one 42-yard compactor?
9 A. Yes.
10 Q. So the one compactor at Foster Forbes?
11 A. Yes.
12 Q. Was picked up three times a week by SCA?
13 A. Yes.
14 Q. And when you first started, where was it brought?
15 A. Davis Landfill.
16 Q. Now, when it was first brought to Davis Landfill,
17 did it, on occasion, also go to J.M. Mills?
18 A. Yes.
19 Q. So I understand this, there was a period of time
20 when some of the waste went to Davis and some
21 went to J.M. Mills?
22 A. Yes.
23 Q. Who made the decision as to whether -- which of
24 those two landfills it went to?
25 A. Dispatcher's.

139

1 Q. And then did there come a point in time when
2 Davis closed and all of the Foster Forbes 42-yard
3 compactors went to J.M. Mills?
4 A. Yes.
5 Q. And would that be the day after the Davis
6 Landfill actually closed?
7 A. Yes.
8 Q. How did you get to that compactor? Where was it
9 located?
10 A. Going through North Providence.

11 Q. But when you got to the facility, did you have to
12 go through a gate?
13 A. No.
14 Q. Do you remember physically where the compactor
15 was located?
16 A. Yeah, right in the center of the yard up
17 against the building.
18 Q. Do you ever remember anything unusual about the
19 pick-ups there --
20 A. No.
21 Q. -- other than the weight?
22 A. No.
23 Q. And, again, just so I'm clear, after Davis
24 landfill closed, 100 percent of the Foster Forbes
25 42-yarders went to J.M. Mills, right?

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1 A. Yes.
2 Q. And just tell me, again, what you remember seeing
3 inside the containers.
4 A. Crushed glass, sand, pallets, paper bags.
5 Q. Well, what kind of paper bags?
6 A. Whatever the product come in, I guess, the
7 sand or whatever.
8 Q. Okay. Any sort of dust of any type?
9 A. Just the sand.
10 Q. Was any of the glass colored?
11 A. No.
12 Q. It was all clear glass?
13 A. Yes.
14 Q. Do you know what they used to fuel their ovens?

15 A. No.
16 Q. Are you aware of whether there was any sort of
17 slag or anything that came from the ovens when
18 they were --
19 A. No.
20 Q. Any recollection of any sort of Speedy Dry?
21 A. No.
22 Q. Any lubricating or cutting oils --
23 A. No.
24 Q. -- or equipment of any type that you recall?
25 A. No.

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1 Q. And you don't recall any odors associated with
2 the facility?
3 A. No.
4 Q. Did they have any sort of automotive or vehicular
5 maintenance shop there?
6 A. No.
7 Q. Did they have otherwise a -- you know, an
8 operations maintenance shop for the facilities
9 located somewhere?
10 A. I didn't know.
11 Q. Do you ever remember seeing any sort of shop
12 waste of any type in any of the --
13 A. No.
14 Q. -- containers?
15 Okay. Let's go to the next page. I want to
16 ask you a general question now?
17 MR. SALLY: What page is that?
18 MR. MURPHY: Bates 6243.
19 Q. I'm going to try to -- rather than go through

20 every page, I just want to ask you a general
21 question. On these roll-off route master sheets
22 that we're looking at --

23 A. Yeah.

24 Q. -- do you agree with me -- now, this particular
25 sheet is dated August 25th, 1981, but would you

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1 agree with me that if I flipped through the
2 balance of these sheets -- and I'll represent to
3 you they all say Mike Shea on them and they have
4 your truck number on there, 34.

5 A. Right.

6 Q. That if I see under customer, Nabisco, and under
7 notes I see J.M. Mills, that on each of these
8 listed locations on the date indicated your
9 testimony would be the same, which is that you
10 brought a container from Nabisco and dumped it at
11 J.M. Mills on the date on the sheet?

12 A. Yes.

13 Q. So I don't need to ask you individually, your
14 answer would be the same with respect to every
15 Nabisco entry?

16 A. Yes.

17 Q. So long as the -- under notes it says J.M. Mills,
18 you can tell me here that every one of these
19 sheets represents one load of whatever size
20 container was at Nabisco and it was brought to
21 J.M. Mills and dumped there, correct?

22 A. Yes.

23 Q. So we're going to skip -- if I see Nabisco as I

24 move through here, we'll skip those because your
25 testimony would be the same with respect to each

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1 of these, correct?

2 A. Yes.

3 Q. So we're going to skip the next page because
4 those are Nabisco.

5 The next page -- we're going to skip that
6 page. We're going to go -- the next page we're
7 looking at, 5872. It's dated August 28th. Do
8 you have that in front of you?

9 A. Yes.

10 Q. All right. So let me just address Foster Forbes
11 again. Same question that I had to you before
12 with respect to Nabisco. If I go through the
13 balance of these sheets in this exhibit and it
14 lists your name as one of your sheets -- one of
15 your route sheets for any particular day and the
16 customer name is listed as Foster Forbes Milford,
17 if under the note section it says J.M. Mills, is
18 it your testimony that on the date indicated on
19 the sheet you hauled a 42-yard compactor from
20 Foster Forbes Milford and dumped it at J.M. Mills
21 on that date?

22 A. Yes.

23 Q. Okay. So, again, if we hit any more Foster
24 Forbes sheets, I'm not going to ask you questions
25 because it's your testimony your answer would be

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1 the same for each of the days as long as it
2 indicates that it went from Foster Forbes Milford
3 to J.M. Mills, correct?
4 A. Yes.
5 Q. Great. Just go above that entry, though, for a
6 moment. Can you read the customer name? It
7 appears that it says "load" and then is that
8 Alpine Brothers?
9 A. Alpine Press.
10 Q. Alpine Press. Tell me about Alpine Press.
11 A. It's a printing place.
12 Q. Are they still in business?
13 A. I don't know. No, I don't think so. I think
14 they were in Braintree. I'm not too sure about
15 that, though.
16 Q. Okay.
17 A. I can't read this guy's writing.
18 Q. Tell me, though, about Alpine Press and
19 Braintree. What size facility was it?
20 A. It was, like, a pretty large warehouse, one
21 level.
22 Q. And do you know what they did there?
23 A. Packaged books.
24 Q. When you say "packaged books," what do you mean
25 by that?

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1 A. Assembled them.
2 Q. Did they do any printing there?
3 A. No.
4 Q. When you say "assembled them," basically it was a
5 book binding operation?

6 A. Yes.

7 Q. Did they use any glue of any type on the spines
8 of the book?

9 A. I don't know. I never seen any.

10 Q. Did you ever see any glue containers --

11 A. No.

12 Q. -- coming out of Alpine Press?

13 A. No.

14 Q. Did you ever smell anything that smelled like
15 glue?

16 A. No.

17 Q. Do you remember the contents of the containers at
18 Alpine Press?

19 A. The only thing that we ever handled was paper.

20 Q. Where did that paper go?

21 A. Berkeley Paper Shop.

22 Q. Well, here you brought a load to J.M. Mills.
23 Would that indicate it was something other than
24 paper?

25 A. I would say.

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1 Q. Do you have a recollection -- do you remember how
2 many different --

3 A. I only picked up one container there.

4 Q. What size container? 42-yard compactor?

5 A. 42.

6 Q. And you're saying that, to your knowledge, if the
7 load that you picked up from Alpine Press was
8 full of paper -- how would you know it was only
9 paper? Were you told by Alpine Press?

10 A. Yeah, the dispatcher would tell me.
11 Q. And were you directed that if it was only paper
12 that you were to bring it to a paper recycler?
13 A. Yes.
14 Q. So if it went to J.M. Mills, would that indicate
15 to you that the contents were something other
16 than paper?
17 A. Yes.
18 Q. Do you have any recollection of, other than
19 paper, the other types of waste that came from
20 Alpine Press?
21 A. No.
22 Q. How often did you bring a load, a 42-yard
23 compactor, from Alpine Press to J.M. Mills?
24 A. I don't think I remember ever going there, but
25 I guess I did.

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1 Q. Okay. Do you have any recollection as to the
2 frequency with which the 42-yard compactor --
3 A. No.
4 Q. -- from Alpine Press went to J.M. Mills?
5 A. That was on a will call.
6 MR. CONNORS: Should we take a
7 five-minute break?
8 MR. MURPHY: Yeah. That's what I was
9 going to suggest.
10 (Mr. Sherman is now present in the
11 deposition.)
12 (A recess was taken.)
13 Q. Just to kind of wrap up, then, on Alpine Press
14 then, other than the waste that we've talked

15 about, you don't have any recollection when the
16 loads went to J.M. Mills --
17 A. No, I don't.
18 Q. -- versus the paper company as to what was in
19 those loads?
20 A. To tell you the truth, I'm really not sure
21 about Alpine Press if that's the place I'm
22 thinking of or not.
23 Q. All right.
24 A. I can't remember if this place was in Brockton
25 or Braintree.

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1 Q. Okay. Let's go to two pages after that, 6218.
2 It's dated September 11th, 1981. I don't know if
3 you have that in front of you.
4 A. Yes.
5 Q. "West Bridgewater, Number 2," what does that
6 refer to?
7 A. They had three transfer machines there, three
8 compactor containers.
9 Q. All 42-yarders?
10 A. Yes.
11 Q. And what is West Bridgewater? Is that a town?
12 A. Town of West Bridgewater.
13 Q. Is that a Massachusetts town?
14 A. Yes.
15 Q. And was this a similar arrangement as with
16 Berkeley where --
17 A. This was a scheduled pull.

18 MR. CONNORS: Let him finish the

19 question.
20 Q. Where SCA would pick up a full 42-yard compactor
21 from the West Bridgewater Transfer Station and
22 bring it to J.M. Mills?
23 A. Yes.
24 Q. When did the West Bridgewater Transfer Station
25 materials first go to J.M. Mills?

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1 A. Right after we got kicked out of the Acushnet
2 landfill.
3 Q. So when Acushnet closed, after that all the West
4 Bridgewater Transfer Station compactors went to
5 J.M. Mills?
6 A. Yes.
7 Q. And in this sheet we're looking at, Bates 6218,
8 September 11th, 1981, West Bridgewater, Number 2,
9 it says "Number 2," that would have been Number 2
10 of the three compactors?
11 A. Right.
12 Q. So if you're picking up Number 1 compactor, you
13 would have listed Number 1?
14 A. Yes.
15 Q. And Number 3 would be listed Number 3?
16 A. Yes.
17 Q. What was the frequency with which those were
18 pulled?
19 A. Probably three times a week. No, more than
20 that. Maybe four times a week. I think they
21 were closed one day a week.
22 Q. When you say "four times a week," were all three
23 hauled four times a week?

24 A. Yes. Or they might do one a day, but on
25 Saturday every one of them would get changed.

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1 Q. So how many compactor loads in total were hauled
2 from West Bridgewater to J.M. Mills on a weekly
3 basis?

4 A. I would say six or seven.

5 Q. So six or seven 42-yard loads per week after
6 Acushnet closed --

7 A. Yes.

8 Q. -- were hauled by SCA to J.M. Mills?

9 A. Yes.

10 Q. Were those compactors always full?

11 A. Yes.

12 Q. And is this kind of municipal solid waste
13 transfer --

14 A. Yes.

15 Q. -- station stuff?

16 A. Yes.

17 Q. Do you recall whether West Bridgewater had any
18 restrictions as to what the town's people could
19 dump into that -- those --

20 A. Yes, household trash only. They had a metal
21 container there and they had a recycling pile for
22 yard waste.

23 Q. But in the minimum, is it your understanding that
24 the West Bridgewater Transfer Station compactors
25 were brought to J.M. Mills by SCA for probably at

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1 least two years?
2 A. Yes.
3 Q. So there were seven 42-yard loads a week for two
4 years of West Bridgewater township municipal
5 solid waste?
6 A. Yes.
7 Q. So, again, if you flip to the next page, which is
8 dated September -- wow, is this a duplicate?
9 Actually, it looks like it's a duplicate. That's
10 actually a number. I don't know why I have so
11 many duplicates. Let's move on.
12 We're going to skip a number of pages because
13 they're Benjamin Moore. I'm going to ask you to
14 go to the page that's Bates stamped 6875. It's
15 dated September 28th. Tell me when you have
16 that.
17 A. Yes, sir.
18 THE WITNESS: September 28th?
19 Q. September 28th, do you have that?
20 A. Yes.
21 Q. Foster Forbes, we already know what your
22 testimony is going to be with respect to that.
23 King's store is one of the listed companies.
24 What is King's store?
25 A. That was an old department store like Zayre's.

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1 Q. Like Zayre's?
2 A. Yeah.
3 Q. What sort of products did they sell there?
4 A. Groceries -- not groceries, clothing mostly.

5 Q. Did they have any automotive products there?
6 A. No.
7 Q. Paint?
8 A. No.
9 Q. Hardware?
10 A. (Shakes head in the negative).
11 Q. So was there any waste from King's store that had
12 any sort of petroleum byproducts or chemicals, to
13 your knowledge?
14 A. No.
15 Q. So it was essentially kind of a clothing
16 department store?
17 A. Yeah.
18 Q. Let me ask you generally then, the King's store,
19 is the location listed as Webster?
20 A. Actually, it was right on the Webster/Douglas
21 line.
22 Q. And it was one 42-yard compactor?
23 A. Yes.
24 Q. Was that regularly scheduled --
25 A. No.

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1 Q. -- or will call?
2 Will call?
3 A. Yes.
4 Q. How often?
5 A. About four times a year.
6 Q. I think we can move on. By the way, let me ask
7 you another question. There's an entry here that
8 says "Paper Shop, load of rubbish in pit, take to
9 Mills"?

10 A. Yes.
11 Q. What does that mean?
12 A. That means someone parked their load of
13 rubbish in the yard at night where we park the
14 trucks and never put a label on it so you didn't
15 know what it was.
16 Q. You didn't know whose waste it was?
17 A. Yeah.
18 Q. And basically they had you bring that down to
19 Mills?
20 A. Yes.
21 Q. Okay. You don't have any recollection what was
22 in there, do you?
23 A. No.
24 Q. I thought I'd try.
25 A. To me trash it trash.

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1 Q. Any idea whose handwriting it is below this?
2 A. No.
3 Q. No? Okay. Let's go to the next page, 6874.
4 A. There we go.
5 Q. First of all, one of them is Benjamin Moore.
6 Mr. Jackson's already asked you about that. We
7 have ICI and Nabisco. And, again, same questions
8 with ICI. Can we agree that every time in any of
9 these sheets that have your name on them that on
10 the date indicated if it says ICI as a customer,
11 and I see under notes J.M. Mills, that on that
12 date you brought a 42-yard compactor from ICI
13 Chemical and dumped it at J.M. Mills on that

14 date?
15 A. Yes.
16 Q. That's your testimony, correct? So the only new
17 company on this sheet is Codex. Tell me what
18 Codex was.
19 A. They had two facilities in Mansfield that made
20 computer parts.
21 Q. Where in Mansfield? Can you give me as best you
22 can?
23 A. It used to be the Foster Forbes Industrial
24 Park.
25 Q. Both facilities?

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1 A. Yes.
2 Q. So how close together were the two facilities?
3 A. Probably quarter mile apart.
4 Q. So you serviced two facilities. When you say
5 they make computer parts, can you give me further
6 details on what it was they made?
7 A. Chipboards for electronic, what do they call
8 that, solid state circuit boards.
9 Q. Did both facilities do the same thing?
10 A. No. One was more of shipping and handling and
11 the other was assembly.
12 Q. Do you remember which was which because you have
13 "Codex Number 1" --
14 A. Yes.
15 Q. -- "Mansfield to J.M. Mills" on this sheet. Do
16 you remember which was which?
17 A. Number 1 would be the shipping and handling
18 facility.

19 Q. And Codex Number 2 would have been the --
20 A. The assembly.
21 Q. The assembly facility. And did the two different
22 containers, the Codex 1 and the Codex 2, did they
23 differ in the contents?
24 A. No, they were basically the same.
25 Q. And when for the first time did you pick up at

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1 Codex?
2 A. When I first started working for the company.
3 Q. Was this a regularly scheduled SCA stop?
4 A. Yes.
5 Q. It wasn't a will call?
6 A. No.
7 Q. How often did SCA pick up there?
8 A. Once a week.
9 Q. And when you say they picked up once a week, did
10 they pick up Number 1 and Number 2 both?
11 A. No. They would alternate. Very rarely you
12 picked up the two of them.
13 Q. So then once a week, one 42-yard container would
14 leave Codex --
15 A. Yes.
16 Q. -- hauled by SCA?
17 A. Yes.
18 Q. Where did the SCA haul the Codex waste?
19 A. J.M. Mills.
20 Q. So did Codex always go to J.M. Mills during the
21 period of time you were there?
22 A. No.

23 Q. This sheet clearly Bates numbered 6874 has Codex
24 waste going to J.M. Mills on September 29th, I'm
25 assuming, of 1981, but where did it go before it

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1 went to J.M. Mills?

2 A. Mansfield Landfill.

3 Q. All right. And did there come a point in time
4 when the Mansfield Landfill closed?

5 A. Yes.

6 Q. After the Mansfield Landfill closed, did all of
7 the Codex containers go to J.M. Mills?

8 A. Yes.

9 Q. So am I correct that after the Mansfield Landfill
10 closed, SCA hauled one 42-yard compactor a week
11 from Codex and dumped it at J.M. Mills?

12 A. Yes.

13 Q. And that would have been for approximately -- was
14 it for more than a one-year period?

15 A. Yes.

16 Q. Do you know how many years?

17 A. No, I don't.

18 Q. Okay. What do you remember about the contents of
19 the Codex?

20 A. Those electronic chipboards, cardboard,
21 strapping, pallets, no chemicals of any kind,
22 cafeteria waste.

23 Q. Electronic chipboards. What percentage of the
24 compactors were made up of the --

25 A. Probably about --

1 Q. -- computer boards?
2 A. -- 40 percent.
3 Q. So 40 percent of every compactor that left --
4 that SCA hauled and dumped at J.M. Mills had
5 these electronic computer chipboards?
6 A. Yes.
7 Q. Other than those chipboards -- did the chipboards
8 have all the little things stuck in them,
9 whatever they are?
10 A. Yes.
11 Q. You also remember cardboard, some metal
12 strapping, pallets and cafeteria waste?
13 A. Yes.
14 Q. Anything else?
15 A. No.
16 Q. Was there any Speedy Dry?
17 A. No.
18 Q. Any sort of lubricating oils?
19 A. No.
20 Q. Oily rags?
21 A. No.
22 Q. Okay. Let me ask you this: If I see Codex
23 either Number 1 or Number 2 listed on any more of
24 these sheets as we go through here on different
25 dates after this, and in the notes section it

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1 lists J.M. Mills, is it fair to state your
2 testimony would be the same, which is that on the
3 date listed you hauled a 42-yard compactor from
4 Codex and dumped it at J.M. Mills?

5 A. Yes.

6 Q. So let's skip the next page. Let's skip the next
7 page. That's Foster Forbes. We already covered
8 that. Let's go to Bates numbered 6860. It's
9 dated October 9th. Do you have that in front of
10 you?

11 A. Yes.

12 Q. It's a company we haven't covered yet. Fairfield
13 Optical in Mansfield. What was that?

14 A. Mansfield.

15 Q. Do you know what Fairfield Optical did?

16 A. Manufactured eyeglass frames.

17 Q. Where in Mansfield were they?

18 A. Foster Forbes Industrial Park.

19 Q. What kind of eyeglass frames did they
20 manufacture?

21 A. Plastic.

22 Q. How many of their facilities did you service?

23 A. One.

24 Q. How big was the facility?

25 A. Small.

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1 Q. When you say "small," can you give me a
2 description.

3 A. Probably about 25 people, 30 people maybe.

4 Q. Are they still in business? Do you know?

5 A. I don't know. I haven't been there in ages.

6 Q. Okay. Was this a regular SCA stop?

7 A. Yes.

8 Q. How regular was regular?

9 A. On a will call.

10 Q. Are you able to give me an idea of how many

11 containers a month left Fairfield Optical?

12 A. Maybe one or two if that.

13 Q. And where did SCA haul the -- these are all

14 42-yard compactors?

15 A. Yes, there's only one.

16 Q. So there's one 42-yard compactor that once or

17 twice a month that was hauled by SCA to a

18 landfill?

19 A. Yes.

20 Q. What landfill did it go to?

21 A. Originally it went to the Mansfield, then we

22 started going to J.M. Mills.

23 Q. Okay. So this is one of those circumstances

24 where once the Mansfield landfill closed, SCA

25 hauled one to two 42-yard compactors a month from

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1 Fairfield Optical in Mansfield and dumped it at

2 J.M. Mills?

3 A. Yes.

4 Q. What do you remember about the contents of the

5 Fairfield Optical compactors?

6 A. Broken eyeglass frames, cardboard, paper,

7 packaging, pallets.

8 Q. Did they actually kind of mold the plastic

9 frames?

10 A. No, I think they just assembled the glasses

11 there.

12 Q. Is that your understanding that they only

13 assembled, they didn't --

14 A. Yes. I never saw any machinery in there.
15 Q. Okay. Did you ever see any sort of chemical
16 waste of any kind?
17 A. No.
18 Q. Just broken plastic frames?
19 A. Yes.
20 Q. What percentage of the container had the plastic
21 in it?
22 A. Probably about 20 percent.
23 Q. Any recollection of any sort of oily waste?
24 A. No.
25 Q. Chemicals of any type?

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1 A. No.
2 Q. Let's move on here. By the way, same thing with
3 Grossman's, if I see a Grossman's entry -- let's
4 go to the next page, Bates numbered 6843. If I
5 see Grossman's listed anywhere in any of these
6 sheets with J.M. Mills listed in the notes
7 section, is it your testimony --
8 A. Yes.
9 Q. -- that that would indicate that on the date
10 listed on the sheet you brought a compactor --
11 unless it says open top, you brought a 42-yard
12 compactor from Grossman's and dumped it at J.M.
13 Mills on that date, correct?
14 A. Yes.
15 Q. Okay. Let's go to the next page, Bates 6913.
16 John Lucey Shoe in Bridgewater?
17 A. Yes.

18 Q. What was that facility?
19 A. He manufactured shoes.
20 Q. What kind of shoes?
21 A. Tom McCann, if you remember them.
22 Q. I do. Do you remember the contents of their
23 containers?
24 A. Rubber soles, heels, leather soles, the frame
25 of the shoes, scrap leather, cardboard, paper.

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1 Q. Did they have a lot of machinery in there to cut
2 the leather?
3 A. I never seen it. The only place that I ever
4 seen was the first floor, which was the loading
5 dock.
6 Q. Did you ever see any machine maintenance and
7 lubrication stuff in the --
8 A. No.
9 Q. -- dumpsters?
10 A. (Shakes head in the negative).
11 Q. So you saw just the rubber soles?
12 A. Yeah.
13 Q. Do you know, did they form the rubber soles
14 there?
15 A. I think they just assembled them.
16 Q. It's your understanding that really they were --
17 they put together the various components --
18 A. Yes.
19 Q. -- of the shoes there?
20 A. Yes.
21 Q. Do you have any recollection of ever seeing,
22 other than the waste that you've already

23 described, any sort of oily waste of any type
24 there?
25 A. No.

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1 Q. Any waste associated with machine maintenance?
2 A. No.
3 Q. Did they have any sort of a vehicular fleet there
4 of their own?
5 A. No.
6 Q. Do you remember any drums or liquid waste of any
7 type?
8 A. No.
9 Q. Any unusual odors?
10 A. No.
11 Q. How often did SCA bring containers from or haul
12 containers from John Lucey Shoe?
13 A. Probably one a month.
14 Q. And where did those go?
15 A. Originally they used to go to Bridgewater
16 landfill.
17 Q. And did there come a point in time when the
18 Bridgewater landfill closed?
19 A. Yes.
20 Q. And after it closed, did all of the John Lucey
21 Shoe containers go to J.M. Mills?
22 A. Yes.
23 Q. It's your recollection it was approximately once
24 a month?
25 A. Yes.

- 1 Q. Any recollection of anything else that was
 2 contained in the John Lucey Shoe 42-yard
 3 compactors?
 4 A. No.
- 5 Q. Again, if I see John Lucey Shoe of Bridgewater
 6 listed in any of the subsequent sheets here and
 7 in the note section it indicates J.M. Mills, is
 8 it your testimony that on the date indicated on
 9 the sheet that SCA or you personally, for these
 10 sheets, would have hauled that 42-yard container
 11 from John Lucey Shoe and dumped it at J.M. Mills?
 12 A. Yes.
- 13 Q. Let's go to the next page, Bates 6911. Do you
 14 have that in front of you?
 15 A. Yes.
- 16 Q. It's dated October 28th, 1981. Do you see Sun
 17 Chemical of Mansfield listed?
 18 A. Yes.
- 19 Q. Where were they located in Mansfield?
 20 A. Mansfield Industrial Park.
- 21 Q. And did Sun Chemical have one or more than one
 22 facility?
 23 A. One.
- 24 Q. Do you recall what it was they did at that
 25 facility?

- 1 A. Manufactured ink.
- 2 Q. Can you describe its size?
 3 THE WITNESS: The size of a building?

4 MR. MURPHY: Yeah.
5 A. Small.
6 Q. How small is small?
7 A. Probably about ten employees.
8 Q. What do you remember about the pick-ups there?
9 A. There was mostly five-gallon cans crushed,
10 paper, strapping, pallets.
11 Q. Tell me about these five-gallon cans that were
12 crushed.
13 A. It was like ink.
14 Q. Ink raw materials or the ink itself?
15 A. I think it was raw.
16 Q. Do you remember what it smelled like?
17 A. No. Didn't have much of a smell, but it was
18 messy, something like Benjamin Moore all over the
19 pad, you know.
20 Q. So you had the same issues with liquid --
21 A. Yes.
22 Q. -- waste dripping out of the bottom --
23 A. Yes.
24 Q. -- of the container?
25 A. (Nods head in the affirmative).

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1 Q. Was the waste at Sun Chemical, was this a 42-yard
2 compactor?
3 A. Yes.
4 Q. How many compactors did they have at the
5 Mansfield Industrial Park?
6 A. One.
7 Q. And when you first started at SCA, was Sun
8 Chemical a customer you were picking up from?

9 A. Yes.

10 Q. When you didn't pick up from them, was Sun

11 Chemical sometimes also at times assigned to

12 other drivers?

13 A. Yes.

14 Q. You said there was only one 42-yard compactor

15 there?

16 A. Yes.

17 Q. How often did SCA haul away that 42-yard

18 compactor?

19 A. Maybe once a month.

20 Q. Okay. And where did SCA bring the Sun Chemical

21 compactors?

22 A. Well, like all the other stops in Mansfield,

23 they used to go to Mansfield, but I guess it goes

24 to J.M. Mills.

25 Q. This particular sheet on October 28th, 1981, the

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1 Sun Chemical 42-yard compactor was dumped at J.M.

2 Mills, right?

3 A. Yes.

4 Q. So did there come a point in time after the

5 Mansfield landfill closed where it's your

6 understanding SCA brought all of the Sun Chemical

7 42-yard compactors to the J.M. Mills landfill?

8 A. Yes.

9 Q. Do you ever remember any complaints from

10 citizens, neighbors, anybody about the ink coming

11 out of this compactor?

12 A. It didn't -- didn't drip out that much. Most

13 of the paper products that were in there would
14 absorb most of it, but the drivers were always
15 covered with it, you know. You've got to canvas
16 it on the back to go down the road. Your canvas
17 would get covered with it. Your ropes would get
18 covered with it, you know.

19 Q. So there was clearly liquid ink waste --

20 A. Yes.

21 Q. -- in the bottom of that compactor?

22 A. Yes.

23 Q. And when you dumped it out, would the liquid
24 waste run out into the landfill, whatever was in
25 the bottom?

169

1 A. Yes.

2 Q. Ever see any full containers of any type?

3 A. No.

4 Q. Do you have any particular recollection of smells
5 associated with that dumpster?

6 A. No.

7 Q. Okay. And once the Mansfield landfill closed, on
8 at least a monthly basis SCA brought a full
9 42-yard compactor from Sun Chemical and dumped it
10 at J.M. Mills, correct?

11 A. Yes.

12 Q. Were there other sorts of ink containers other
13 than these five-gallon buckets --

14 A. No.

15 Q. -- that you recall?

16 A. I think it was more or less like a
17 distribution center.

18 Q. Okay. So if I see Sun Chemical listed in any of
19 these later sheets with J.M. Mills indicated as
20 the destination, is it your testimony that
21 whatever the date of that sheet is is that you
22 hauled the container from Sun Chemical, a 42-yard
23 compactor, and dumped it at J.M. Mills?

24 A. Yes.

25 Q. Let's go to the next entry. By the way, I see

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1 various either American Motors of Mansfield
2 listed and then later Nissan. Do you have an
3 understanding -- tell me, the facility that's
4 listed underneath Sun Chemical, it says American
5 Motors, tell me about that. Where in Mansfield
6 was that and what did that facility do?

7 A. American Motors was a parts distribution
8 center and Nissan was, too.

9 Q. Were they two different centers?

10 A. Yes.

11 Q. Okay. So it wasn't the same facility?

12 A. No.

13 Q. This was the old American Motors?

14 A. Yes.

15 Q. Did that eventually close?

16 A. Yes.

17 Q. Okay. Do you have any recollection as to whether
18 they were acquired by anybody?

19 A. No, I don't.

20 MR. MURPHY: Take a break for a second.

21 (Off the record discussion.)

22 Q. What did you pick up from the American Motors
23 distribution center?
24 A. Damaged auto parts.
25 Q. What sort of damaged auto parts?

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1 A. Spark plugs, carburetors, water pumps,
2 everything that goes to a car. Taillights,
3 windshield wipers, everything that gets broken.
4 Q. And so American Motors actually had a facility
5 there that distributed their own parts?
6 A. Yes.
7 Q. Was it a 42-yard compactor?
8 A. Yes.
9 Q. And did that facility, at some point, close while
10 you were working there or no, to your
11 recollection?
12 A. Yes.
13 Q. It did?
14 A. Yes.
15 Q. When did it close? Do you remember?
16 A. I don't know offhand.
17 Q. How often did SCA haul the 42-yard compactor
18 from --
19 A. Probably once every couple of months.
20 Q. Okay. And where did it go?
21 A. Used to go to Mansfield, Attleboro,
22 Plainville. I guess eventually it ended up at
23 J.M. Mills.
24 Q. Was it the same situation that eventually, at one
25 point in time near the -- in the early '80's,

- 1 J.M. Mills was really the only place left to
2 bring this stuff?
3 A. Yeah.
4 Q. Was American Motors' compactors always full when
5 you brought them there?
6 A. Oh, yeah.
7 Q. Ever see any liquid waste?
8 A. No.
9 Q. Did they ever throw any --
10 A. They never handled that.
11 Q. Were there any parts that had oil --
12 A. No.
13 Q. -- sealed inside the components?
14 A. No.
15 Q. Any asbestos parts, anything like that?
16 A. No.
17 Q. Any kind of heat insulation from engine
18 compartments --
19 A. No.
20 Q. -- of any type?
21 Okay. But did there come a point in time
22 when you recall that SCA -- when American Motors
23 did need the 42-yard compactor hauled away --
24 A. Yes.
25 Q. -- at some point began bringing it exclusively to

- 1 J.M. Mills?
2 A. Yes.
3 (Mr. Benik is now present in the

4 deposi ti on.)

5 Q. And you just recall it being pretty much all

6 different sorts of damaged auto parts?

7 A. Right. That's all it was.

8 Q. Now, what about Nissan Motors?

9 A. Same thing.

10 Q. Was it in a different location?

11 A. Same industrial park, right around the corner.

12 Q. Okay. Well, tell me about Nissan Motors. Was

13 it -- do you recall how often Nissan Motors was

14 brought?

15 A. About the same as the other place.

16 Q. Okay. What size container was at Nissan Motors

17 in Mansfi el d?

18 A. 42.

19 Q. Okay. And it was what type of auto parts?

20 A. Whatever it took to build the car. Would

21 always get a lot of spark plugs and transistor

22 radi os that were smashed with a hammer, tail light

23 fix tures.

24 Q. Light bul bs?

25 A. I never seen any light bul bs. See the light

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1 fix ture, but never the bul bs.

2 Q. Any air-condi ti oni ng components?

3 A. No.

4 Q. Transmi ssi ons, anything that size?

5 A. No.

6 Q. Larger drive train stuff or --

7 A. No, it was all parts, over-the-counter stuff.

8 Q. Okay. And at some point, was it called Datsun,
9 do you remember, and then it switched?
10 A. Originally, it was called Datsun, yeah.
11 Q. When you first started, was it called Datsun?
12 A. I think when they built that facility it had
13 already been changed to Nissan.
14 Q. All right. So you remember by the time you
15 started picking up -- did you start picking up at
16 this Nissan facility in 1977?
17 A. Yes.
18 Q. Fair to state that a point in time came when the
19 42-yard compactor from the Nissan Motors parts
20 distributor -- distribution facility went
21 exclusively to J.M. Mills?
22 A. Yes.
23 Q. And was that about when, after the Mansfield
24 landfill closed?
25 A. Yes.

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1 Q. And how often was the 42-yard compactor picked up
2 from there?
3 A. About once a month.
4 Q. And other than the parts that you described to me
5 just now, all the various broken automotive
6 parts --
7 A. Yes.
8 Q. Were they automotive parts for Nissan Datsun
9 vehicles?
10 A. Yes.
11 Q. Do you have any recollection of any liquid waste?
12 A. No.

13 Q. Any unusual odors?
14 A. No.
15 Q. Any drums?
16 A. No.
17 Q. Any motor oil?
18 A. No.
19 Q. Okay. Let's move on. If I see American Motors
20 listed later on here, would it be fair to state
21 that your testimony would be that you brought
22 American Motors' 42-yard containers and dumped
23 them at the indicated facility in J.M. Mills?
24 A. Yes.
25 Q. And same thing, if I see Nissan Motors listed

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1 anywhere in these sheets, your testimony would be
2 the same, so long as J.M. Mills is listed as the
3 disposal facility, that on the date indicated you
4 hauled a 42-yard container full of damaged
5 automobile parts from the Nissan distributor --
6 parts distribution center and dumped it at J.M.
7 Mills, correct?
8 A. Yes.
9 Q. Go to the next page. Zayre's is listed?
10 A. Yes.
11 Q. What did Zayre's sell?
12 A. It was a department store.
13 Q. What sort of --
14 A. They sold a little bit of everything.
15 Q. Are they still in business?
16 A. No.

17 MR. MURPHY: Do we know, are they gone?
18 MR. CONNORS: I think we established
19 before that they were bankrupt.
20 MR. MURPHY: They are? Let's move on.
21 Let's forget them.
22 Q. Okay. Let's skip down a few pages to Bates
23 Number 6878. There's a company that appears to
24 be Donley, D-O-N-L-E-Y, Manufacturing. Do I have
25 that right?

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1 A. I don't remember that one at all.
2 Q. Do you have any recollection of what they did or
3 who they were?
4 A. No.
5 Q. So you are able to state that you brought a
6 42-yard compactor from a company called Donley
7 Manufacturing to J.M. Mills, but you don't
8 remember what they did?
9 A. No.
10 Q. Any recollection of what was in their compactor?
11 A. No, I don't.
12 Q. Okay.
13 A. I don't remember that at all.
14 Q. All right. Let's move on. Next page, Bates
15 6896, Ashmont Supply?
16 A. That was a small family-owned chain of, like,
17 hardware stores. They sold a little bit of
18 everything.
19 Q. What do you remember being in there? Are they
20 still around?
21 A. No, they're all -- they're all gone.

22 Q. Let's move on. Okay. Kmart. Tell me about
23 Kmart. This is a document numbered 6892. You
24 have Kmart. Is that in Milford?
25 A. Yes.

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1 Q. Okay. Was Kmart a customer of SCA?
2 A. Yes.
3 Q. How many different Kmart facilities were
4 serviced?
5 A. We did probably about 15 of them.
6 Q. And when you say "15 of them," were they 15 Kmart
7 retail stores?
8 A. Yes.
9 Q. Do you recall which towns they were located in?
10 A. Just about every one that was in our area.
11 Q. Okay. Can you name any of the towns?
12 A. Brockton, Somerset, Swansea, Fall River, New
13 Bedford.
14 Q. Any others you remember?
15 A. No, not offhand.
16 Q. Did each of those Kmart's have an automotive shop
17 affiliated with them?
18 A. No, not all of them.
19 Q. Some of them did, though?
20 A. Yeah.
21 Q. The ones that had automotive shops, did they put
22 any of their automotive waste in the compactor?
23 A. No, they had separate containers for their
24 stuff.
25 Q. What do you mean by "separate containers"?

- 1 A. They had small containers, like, that would go
2 in a packer truck.
- 3 Q. Open tops?
- 4 A. No, a packer truck, a rear load truck.
- 5 Q. Oh, like a real small, like a two-yarder,
6 four-yarder?
- 7 A. Yes.
- 8 Q. Okay. Who picked those open tops up?
- 9 A. I don't know. It wasn't us.
- 10 Q. Well, so let's take the Kmart that's listed here
11 in Milford. It says "OT," that's an open top?
- 12 A. Yes.
- 13 Q. Do you have any idea how big that open top would
14 have been?
- 15 A. 40 yards.
- 16 Q. So you remember specifically the Milford Kmart
17 container being a 40-yard open top?
- 18 A. Yes.
- 19 Q. And how often did SCA pick up from the Milford
20 Kmart?
- 21 A. On the open top, that was probably a one time
22 deal.
- 23 Q. What do you mean by "one time deal"?
- 24 A. Pick up a load of broken pallets, get rid of
25 them.

- 1 Q. So that would have been infrequently?
- 2 A. Yeah.

3 Q. Was there -- in addition, I see above that,
4 although, it says, "Cal's shop"?
5 A. That was recycled.
6 Q. Okay. "Kmart compactor, Milford, Cal's shop"?
7 A. That was a paper shop.
8 Q. So in other words, your reading of this
9 particular page is that there was cardboard or
10 paper in --
11 A. Yes.
12 Q. -- the compactor?
13 And there was nothing in that compactor --
14 A. No.
15 Q. -- except paper?
16 A. No.
17 Q. And it was brought to Cal's for recycling?
18 A. Yeah.
19 Q. Do you have any recollection of any of the Kmart
20 having 42-yard compactors?
21 A. Oh, they all had 42-yard compactors. It was
22 very rare that they would have an open top.
23 Q. Okay. And did any of the Kmart 42-yard
24 compactors ever go to J.M. Mills?
25 A. Yes.

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1 Q. And was the waste in the 42-yard compactors at
2 all the various Kmart kind of similar?
3 A. Most of them. Some used to recycle the
4 cardboard --
5 Q. Okay.
6 A. -- and throw away the other stuff separately,
7 you know, like clothing and broken lamps or

8 whatever --
9 Q. Okay.
10 A. -- whatever they sell, but most of them went
11 to the landfills.
12 Q. Now, in addition to the clothing and those other
13 sorts of white goods, did you ever see any of the
14 automotive parts section stuff --
15 A. No.
16 Q. -- in the waste there?
17 A. (Shakes head in the negative).
18 Q. Any aerosol cans of any type?
19 A. No.
20 Q. Any sort of liquid waste of any type from Kmart?
21 A. No.
22 Q. So tell me what you remember. Do you remember
23 any particular instances of seeing anything
24 unusual in any of their compactors?
25 A. No.

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1 Q. Did you ever see any liquid waste?
2 A. No. A lot of clothes they used to throw away.
3 Q. Well, in this particular -- the Milford location,
4 where did SCA bring that waste when you had a
5 42-yard compactor?
6 A. All they had was -- that one was strictly
7 cardboard.
8 Q. Well, was the Fall River Kmart waste, at some
9 point, brought to J.M. Mills?
10 A. No.
11 Q. Never?

12 A. (Shakes head in the negative).
13 Q. So of the --
14 A. Actually, that one wasn't our customer.
15 Q. Okay. Which Kmart's ultimately had their 42-yard
16 compactors brought to J.M. Mills?
17 A. Probably most of them except for Milford.
18 Q. And is it your understanding that any damaged
19 stock --
20 A. Yes.
21 Q. -- from that store ultimately would have ended up
22 in that compactor?
23 A. Yes.
24 Q. Was it a cross-section of what they sold?
25 A. Yes.

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1 Q. Do you have any specific recollection of any
2 products that had any sort of liquid or hazardous
3 waste --
4 A. No.
5 Q. -- in those containers?
6 What was the frequency with which a Kmart --
7 A. They were usually on a scheduled, you know,
8 maybe once a week, once every two weeks,
9 whatever. All depends on how busy their store
10 was.
11 Q. So most of the Kmart's had their 42-yard compactor
12 hauled away either once a week or once every two
13 weeks?
14 A. Yes.
15 Q. And did there come a point in time where most of
16 the Kmart's' waste ended up at J.M. Mills?

17 A. Yes.
18 Q. Was that after the various other landfills
19 closed?
20 A. Yes.
21 Q. So how many Kmart compactors in total from all
22 the various stores would end up on a weekly basis
23 going to J.M. Mills once that was the location?
24 A. Oh, I don't know.
25 Q. Ten a week?

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1 A. No, I don't think it would be that many.
2 Q. Five?
3 A. Yes, probably five.
4 Q. By the way, the woman who became the manager
5 there, is it Ms. Stetson?
6 A. Yes.
7 Q. Is she still with --
8 A. No.
9 Q. -- the company?
10 Is she still alive? Do you know?
11 A. I don't know. I haven't heard -- I heard she
12 moved to New Hampshire somewhere and never heard
13 from her again.
14 Q. What is Henry & Frick?
15 A. I can't figure that out.
16 Q. Any recollection?
17 A. No.
18 Q. What about Compo Industries? What is Compo
19 Industries?
20 A. Oh, what the heck did they make? I don't

21 remember what they manufactured.
22 Q. Any recollection of how often you picked up from
23 them?
24 A. That was on a will call, maybe once a month,
25 once every couple of months.

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1 Q. What do you remember about the contents of their
2 containers?
3 A. I don't really.
4 Q. So the only thing you recall that approximately
5 once a month or once every two months SCA hauled
6 a 42-yard compactor from Compo?
7 A. Yes.
8 Q. And at some point in time, did SCA begin to bring
9 all of the Compo Industries compactors to J.M.
10 Mills?
11 A. I would imagine so, yes.
12 Q. Would that have been after the Mansfield landfill
13 closed?
14 A. Yes.
15 Q. And do you have any recollection or any memory of
16 what was in their dumpsters?
17 A. No.
18 Q. Any recollection of what they did?
19 A. The only thing I remember is the name.
20 Q. All right. Why don't we keep going. What was
21 King's? Did we go over King's yet?
22 A. Yeah, that's an old department store up in
23 Webster.
24 Q. Oh, we did. I'm sorry. All right. I'm going to
25 flip through here to see if there's any other new

1 companies. Oh, Fernandez, what was Fernandez,
 2 F-E-R-N-A-N-D-E-Z?
 3 A. That was a grocery store.
 4 Q. Was it a chain?
 5 A. Yes.
 6 Q. How many stores did they have?
 7 A. 30.
 8 Q. And how many of the 30 stores did SCA service?
 9 A. They had them all.
 10 Q. And I'm looking at Bates number 7115, it's dated
 11 December 30th, 1981. Do you see that?
 12 A. You're a little ahead of me, I think, here.
 13 Q. Flip through till you get to December 30th.
 14 MR. CONNORS: Did you say December 30th?
 15 THE WITNESS: I've got it right here.
 16 Got them all mixed up now.
 17 Q. It's Bates 7115 dated 12/30/81.
 18 A. There we go.
 19 Q. Do you have that in front of you?
 20 A. Yeah.
 21 Q. Do you see where it says "Fernandez Number 5,
 22 Plainville, J.M. Mills"?
 23 A. Yes.
 24 Q. Okay. Did each of the Fernandez stores have a
 25 42-yard compactor --

1 A. Yes.
 2 Q. -- at their facility?

3 A. Yes.

4 Q. Any other containers other than the 42-yard

5 compactor?

6 A. They had the small packer containers for,

7 like, the fruit department, meat department, all

8 that stuff.

9 Q. Who picked up those?

10 A. We did.

11 Q. All right. Did you ever pick up any packer --

12 A. No.

13 Q. -- dumpsters from any of them?

14 A. No.

15 Q. You only did the roll-offs?

16 A. Yes.

17 Q. The 42-yard compactors?

18 A. Yes.

19 Q. How often were the 42-yard compactors picked up

20 at Fernandez?

21 A. Probably once a week, once every two weeks.

22 Q. So 30 locations?

23 A. This must have been an open top or something.

24 Q. Why do you say that?

25 A. Because all the -- unless that was when they

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1 were closing, because Fernandez Supermarket, all

2 their compactors were just pure cardboard.

3 Q. So all the compactors were typically pure

4 cardboard?

5 A. Yes.

6 Q. So your recollection is that the compactors that

7 you hauled were only --
8 A. Yeah.
9 Q. -- cardboard?
10 A. Yeah.
11 Q. So that this would be an exception, this
12 Fernandez?
13 A. Yes.
14 Q. Based on that, let's keep moving.
15 A. This must have been when they were closing
16 because now there's another one here for the
17 Norton landfill.
18 Q. You're referring to which page?
19 A. 6960.
20 Q. Okay. All right. Yeah, I see that. Let's go to
21 two pages after that, Bates numbered 7003. Do
22 you have that in front of you? I think it's two
23 pages after the one dated -- dated January 8th,
24 1982, 1/8/82.
25 A. That's 1/18/82.

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1 Q. It's two before that, I think. 1/8/82, do you
2 have that?
3 A. Yes.
4 Q. Shaw's? What was Shaw's?
5 A. Grocery store.
6 Q. And how many Shaw's were there?
7 A. 26, I think.
8 Q. How many of the 26 Shaw's Supermarkets -- that
9 was a food store, correct?
10 A. Yes.
11 Q. How many of those were serviced by SCA?

12 A. Probably about six.
13 Q. What size containers did they have?
14 A. 42.
15 Q. How often did SCA pick up from a typical Shaw's
16 store?
17 A. The same applies for the Fernandez, but Shaw's
18 was all corrugated.
19 Q. Okay. So the J.M. Mills here, Shaw's, what's the
20 location?
21 A. In Quincy.
22 Q. In Quincy?
23 A. Yes.
24 Q. It says J.M. Mills?
25 A. Yes.

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1 Q. You're saying this would have been a load of
2 cardboard brought to J.M. Mills?
3 A. Normally they were.
4 Q. Okay. You don't have any recollection of 42-yard
5 compactors hauled by SCA to J.M. Mills with
6 anything other than cardboard?
7 A. No.
8 Q. What about Food Master, is that another
9 supermarket?
10 A. Food Master was 90 percent garbage.
11 Q. What do you mean "90 percent garbage"? Food
12 garbage?
13 A. Everything, yeah.
14 Q. Was that a supermarket chain?
15 A. Yes.

16 Q. Okay. Did they throw away damaged stock from the
17 store?
18 A. Yes.
19 Q. So if they had shaving cream on the shelf and it
20 was damaged, did that go in the dumpster?
21 A. Yes.
22 Q. Do you remember seeing a cross-section from Food
23 Master of all the different stock thrown into the
24 dumpster?
25 A. No. It was just like a regular food store,

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1 you know.
2 Q. How many Food Master's did SCA service?
3 A. One.
4 Q. Just one?
5 A. (Nods head in the affirmative).
6 Q. Was it a small chain or an individual --
7 A. Yes.
8 Q. Is it still in business?
9 A. No.
10 Q. Okay. Let's move on then. There's another
11 Donley Manufacturing listed on the next page,
12 6961, do you see that, dated January 12th? Just
13 trying to find out if that refreshes your
14 recollection as to what Donley Manufacturing was.
15 A. I don't remember picking up anything in North
16 Attleboro.
17 Q. Okay. By the way, Alpine Press, where was that
18 located? Was it in Stoughton?
19 A. I'm not sure if that was the one in Stoughton.
20 Yeah, Alpine Press.

21 Q. Do you have a recollection of an Alpine Press in
22 Stoughton? Does that help refresh your
23 recollection as to what Alpine Press did?
24 A. No.
25 Q. It does not?

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1 A. No.
2 Q. Do you remember a company called DeJay, D-E
3 capital J-A-Y?
4 A. In Holbrook, Massachusetts.
5 Q. What did they do?
6 A. They were distributors of stereo equipment.
7 Q. What kind of stereo equipment?
8 A. Junkies, you know, something you buy your
9 teenager.
10 Q. And what was in their dumpsters?
11 A. Cardboard and broken stereos, record players.
12 Q. How many locations?
13 A. One.
14 Q. And they had a 42-yard compactor?
15 A. Yes.
16 Q. How often did you pick up from them?
17 A. Probably once every couple months or so.
18 Q. Are they still in business?
19 A. No.
20 Q. What about a company called Hallsmith?
21 H-A-L-L-S-M-I-T-H, Hallsmith.
22 A. It was a grocery supply warehouse.
23 Q. Where were they located?
24 A. They had one place in Brockton and one place

25 in Norton.

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1 Q. Did any of that go to the J.M. Mills landfill?

2 A. Oh, I imagine it did. It was almost all
3 garbage from the freezer.

4 MR. MURPHY: Just a second here. Why
5 don't we take a two-minute break.

6 (A recess was taken.)

7 Q. Do you remember a company called Datel Systems,
8 D-A-T-E-L?

9 A. Yes.

10 Q. I'm going to ask you to look from the back of
11 that exhibit, four pages from the back, Bates
12 numbered 6834 dated June 14th, 1982. Do you see
13 that?

14 A. Yes.

15 Q. What was Datel Systems?

16 A. They took over -- I think they did computers
17 as well.

18 Q. When you say "did computers," what do you mean by
19 that?

20 A. Built the components.

21 Q. Do you have a recollection that they acquired
22 some other company?

23 A. I don't know.

24 Q. Where in Mansfield were they located?

25 A. In the industrial park not too far away from

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1 Codex.

2 Q. And how many facilities did they have that you
3 serviced?
4 A. One.
5 Q. In your best words, describe what it was that
6 Datel did?
7 A. Those closed circuit boards, keyboards,
8 packaging, strapping pallets.
9 Q. What size were they?
10 A. Probably about 40 or 50 people.
11 Q. Any particular recollection as to how you get to
12 the -- this is a 42 compactor, yes?
13 A. It was right alongside the loading dock.
14 Q. This sheet we're looking at 6834, am I correct
15 that on June 14th, 1982, you picked up a 42-yard
16 compactor from Datel Systems in Mansfield and
17 dumped it at J.M. Mills?
18 A. Yes.
19 Q. Do you have a recollection of the frequency with
20 which SCA picked up the 42-yard compactor at
21 Datel?
22 A. That would be on call, probably once a month.
23 Q. And did there come a point in time -- do you know
24 which landfills Datel's 42-yard compactors were
25 hauled to?

195

1 A. J.M. Mills.
2 Q. Okay. Always to J.M. Mills since you worked
3 there?
4 A. No. After that place opened up, they went to
5 the Mansfield, then Attleboro, then Plainville.
6 Q. Okay. But eventually ended up at J.M. Mills --

7 A. Yes.
8 Q. -- when it was the last one standing?
9 A. Yes.
10 Q. So certainly by June of 1982 I see Datel Systems
11 waste was being brought to J.M. Mills, correct?
12 A. Yes.
13 Q. Do you have a recollection of for what period of
14 time SCA brought Datel Systems' waste to J.M.
15 Mills?
16 A. No.
17 Q. What do you remember about the contents of the
18 Datel Systems 42-yard compactor?
19 A. It was all the computer chipboards, closed
20 circuit boards, keyboards, paper, cardboard,
21 pallets, strapping.
22 Q. So were they assembling computers there or
23 manufacturing?
24 A. I think they assembled them.
25 Q. All right. What percentage of the compactor had

196

1 these circuit boards?
2 A. Probably 5 to 10 percent, if that.
3 Q. What about -- you said there were keyboards?
4 A. Yes.
5 Q. What percent was keyboards?
6 A. Just see one or two in there, in the load.
7 Q. All right. And do you remember anything else
8 about the waste contained in the Datel Systems
9 compactor?
10 A. No.

11 Q. Any recollection as to the period of time that
12 Datel Systems compactors were brought exclusively
13 to J.M. Mills?
14 A. No.
15 Q. Was there a point in time, though, where J.M.
16 Mills was the only landfill where the Datel
17 dumpsters went?
18 A. Yes.
19 Q. And am I correct that other drivers from SCA also
20 picked up at Datel and dumped at J.M. Mills?
21 A. Yes.
22 Q. If I go through the balance of all these pages
23 and see Datel Systems as the customer and J.M.
24 Mills as the disposal location, would your
25 testimony be the same that on the date indicated

197

1 you hauled a 42-yard compactor from Datel Systems
2 in Mansfield and dumped it at J.M. Mills?
3 A. Yes.
4 Q. By the way, do you remember picking up from a New
5 England Telephone -- did we talk about the
6 Brockton facility at New England Telephone?
7 A. Yes.
8 Q. We already covered that, right?
9 Okay. Needham National Bank, do you recall
10 picking up anything -- picking up from them? Go
11 to Bates 6818 in North Attleboro, there's a
12 listing of a 30-yard open top.
13 THE WITNESS: What did you say the name
14 of the company was?
15 MR. MURPHY: It says Needham National

16 Bank, June 21st, 1982.
17 A. Had to be all construction material.
18 Q. So that would have been a one time only?
19 A. Yes.
20 Q. All right. We're finished with this first
21 packet. There's only a few companies I want to
22 ask you about in the second packet, the bigger
23 one, because most of these are repeats that we
24 already have an agreement that as long as it
25 lists J.M. Mills your testimony is already fairly

198

1 clear.
2 So this is what I'd like you to do, we're in
3 the second packet, and I'd like you to go down
4 one, two, three, four, five, six, seven, I
5 believe it's the seventh page in, seventh or
6 eighth, it's dated September 27th, 1978.
7 MR. SALLY: What's the number on that?
8 MR. MURPHY: Bates number 5521.
9 A. Yep.
10 Q. There's a couple companies here. One is called
11 Bay State Roofing. What do you remember about
12 Bay State Roofing?
13 A. Open top container, all roofing material,
14 gravel, tar paper, paper.
15 Q. Tar, black tar materials?
16 A. Yes.
17 Q. Is Bay State Roofing still in business? Do you
18 know?
19 A. I don't know.

20 Q. Where were they located?
21 A. I don't know that either.
22 Q. Do you recall how often you picked up from Bay
23 State?
24 A. Whenever they would call, whenever the
25 container was full.

199

1 Q. All right. So do you have any recollection --
2 you don't remember where they were?
3 A. No.
4 Q. And you don't remember how often the open top was
5 hauled away?
6 A. They used to -- all these roofing companies,
7 they travel all around the place so you never
8 know -- I never knew where the offices were.
9 Q. Okay. When you say they traveled all over the
10 place, would you pick the open top up at a job
11 site --
12 A. Yes.
13 Q. -- versus the company?
14 A. Yes.
15 Q. Okay. So you do recall that Bay State Roofing
16 was a customer?
17 A. Yes.
18 Q. But the location of the pick-up would depend on
19 where they were doing the work?
20 A. Yeah.
21 Q. Is that right?
22 A. Yes.
23 Q. All right. And you recall that all of the
24 various asphalt-type roofing materials typical of

25 a roofing company you found in those open top

200

1 containers, correct?

2 A. Yes.

3 Q. And I'm seeing here that in 1978 you were
4 bringing their open tops to J.M. Mills?

5 A. Yes.

6 Q. Was J.M. Mills the only facility that you brought
7 Bay State's roofing materials to?

8 A. Yes.

9 Q. Any idea of the frequency with which you brought
10 open top containers from Bay State Roofing to
11 J.M. Mills?

12 A. Usually whenever you did roofing it was a
13 one-shot deal, you know.

14 Q. Meaning it was a location at a job where they
15 were putting a new roof on a building?

16 A. Yes. Probably went for one load, maybe two,
17 and then you didn't hear from them again, you
18 know.

19 Q. Ever or --

20 A. Oh, no. You'd hear from them every season.

21 Q. Okay. What about the next company?

22 A. Same, same thing.

23 Q. Allstate Roofing same thing?

24 A. Yeah, Burgess & Blaker (sic), whatever the
25 heck their name was.

201

1 Q. Who were they, Burgess & Blacker Management?

2 A. Yeah.

3 Q. Yeah, I was going to ask you about that. Who

4 were they?

5 A. They did the roof on Rhode Island College in

6 Narragansett, Rhode Island.

7 Q. Okay.

8 A. What a ride that was.

9 Q. And you recall that it was the same thing,

10 asphalt --

11 A. Yes.

12 Q. -- based roofing products in --

13 A. Yes.

14 Q. -- a large -- like a 30-yard open top?

15 A. Yes.

16 Q. So for each of these roofing companies,

17 periodically when SCA would get calls and you

18 were assigned those entities, you'd go pick up

19 these -- were the containers always full when you

20 picked them up?

21 A. Oh, yes.

22 Q. And you dumped them at J.M. Mills?

23 A. Yes.

24 Q. And then the next time you'd pick up from one of

25 those companies, it was almost always at a

202

1 different location?

2 A. Yes.

3 Q. From 1977 when you started driving for SCA until

4 you stopped working for SCA, do you recall Bay

5 State Roofing being a customer regularly of SCA?

6 A. Yes.
7 Q. Same thing with Allstate?
8 A. Yes.
9 Q. Same thing with Burgess & Blacker?
10 A. That one there, I think that was a one-shot
11 deal.
12 Q. All right. Burgess & Blacker was a one-shot
13 deal --
14 A. Yes.
15 Q. -- but the two roofing companies, Bay State
16 Roofing and Allstate Roofing, you do recall them
17 being a fairly regular customer?
18 A. Yes. They did a lot of school roofs.
19 Q. All over the State of Rhode Island?
20 A. Massachusetts.
21 Q. Massachusetts. Okay. Let's go to -- by the way,
22 anywhere else in this stack if I see Bay State
23 Roofing and it says J.M. Mills, then it would be
24 your testimony that the -- on the date indicated
25 on whatever that sheet is that you hauled the

203

1 size container listed for Bay State Roofing to
2 J.M. Mills?
3 A. Yes.
4 Q. And same question for Allstate Roofing --
5 A. Yes.
6 Q. -- your testimony will be if I see Allstate
7 Roofing listed and you serviced an open top
8 container to J.M. Mills, it's your testimony you
9 dumped a container full of asphalt roofing
10 materials from Allstate Roofing at J.M. Mills?

11 A. Yes.

12 Q. Okay. Next page, Bates 5522, "Ocean Spray, new
13 building," this is on September 29th, 1978. Is
14 that the cranberry people?

15 A. Yes.

16 Q. Okay. And where is this located, this Ocean
17 Spray, new building?

18 A. Middleboro, Massachusetts.

19 Q. And what do they do there?

20 A. They process cranberries and prunes and --

21 Q. Was there any industrial waste in these
22 containers?

23 A. No.

24 Q. All food product?

25 A. Yes.

204

1 Q. No machine maintenance?

2 A. No.

3 Q. No lubricants?

4 A. No. These are all open top containers that
5 they load with backhoes.

6 Q. Of what?

7 A. Prunes.

8 Q. Okay.

9 A. 80,000 pounds in a container on a 60,000-pound
10 truck.

11 Q. Let's pass on that. We'll keep moving then. I
12 don't have any interest in that.

13 Let's go down a number of pages. I want you
14 to go to -- and I think these are largely in

15 chronological order, so go to October 25th, 1978.
16 October 25th, it's Bates numbered 5536. Do you
17 have that in front of you?
18 A. Yes.
19 Q. Second entry, what's that say?
20 A. Mars in Sharon.
21 Q. Mars as in the candy people?
22 A. No. Mars as in a grocery store.
23 Q. Okay. What kind of a grocery store was that?
24 A. Actually, it was -- I was thinking a different
25 store. That's a department store.

205

1 Q. What do they sell there?
2 A. Junk clothes.
3 Q. Did they have automotive material there?
4 A. No.
5 Q. They didn't have any hardware stuff?
6 A. No.
7 Q. Just basically clothing and --
8 A. Yeah.
9 Q. -- haberdashery?
10 A. Yes.
11 Q. Let's move on from there. Now I want you to skip
12 another -- you're going to need to go down a good
13 half an inch. Again, it's all -- no, wait a
14 minute. Yes. Go to November 5th, 1979, if you
15 would. It's Bates numbered 4416.
16 MR. CONNORS: You want half an inch?
17 '79?
18 MR. MURPHY: November 5th, 1979.
19 Q. By the way, all these papers we're looking at now

20 is all your handwriting, correct?
21 A. Yes.
22 Q. Do you have Bates 4416 in front of you?
23 A. Yes.
24 Q. The second entry, what does that say, "empty" --
25 A. "Empty Plympton dump compactor at J.M. Mills."

206

1 Q. What is "Plympton dump"?
2 A. That was a transfer station.
3 Q. It's the Town of Plympton?
4 A. Yes.
5 Q. How often did SCA bring the Plympton dump
6 compactor to J.M. Mills?
7 A. Once or twice a week.
8 Q. So, again, this is -- was this a former town
9 dump --
10 A. Yes.
11 Q. -- that had been converted to a transfer station?
12 A. Yes. Yes.
13 Q. Okay. So this says -- shows me that in November
14 of 1979 SCA was already hauling 42-yard
15 compactors from the Plympton town transfer
16 station to J.M. Mills, correct?
17 A. Yes.
18 Q. Twice a week?
19 A. Yes.
20 Q. For how many years?
21 A. Oh, many years.
22 Q. Okay. So I'm seeing in November of '79, when you
23 started at SCA in '77, was SCA already hauling

24 two 40-yard compactors a week from the Town of
25 Plympton?

207

1 A. Yes.

2 Q. And bringing it to J.M. Mills?

3 A. No. It would go to the Berkeley Landfill.

4 Q. When did it first start going to J.M. Mills?

5 A. Right after we left the Berkeley Landfill, we
6 went to the East Bridgewater Landfill and then we
7 went to Mills.

8 Q. So you didn't go to J.M. Mills until the other
9 ones were closed?

10 A. Right.

11 Q. So if I see in November of 1979 you're already
12 going to J.M. Mills, does that indicate to you
13 the other ones were already closed?

14 A. Yes.

15 Q. All right. So then for the end of 1979 and 1980
16 and 1981 and 1982, for at least those four
17 years --

18 A. Yes.

19 Q. -- is it your testimony that twice a week a
20 42-yard compactor of the Town of Plympton
21 municipal waste was dumped by SCA at J.M. Mills?

22 A. Yes.

23 Q. And do you recall any restrictions on the
24 contents of the --

25 A. Just household rubbish. That's all.

208

1 Q. So standard waste that came from household --
2 A. Yeah.
3 Q. Whatever --
4 A. Most of those transfer stations would recycle.
5 They had recycling bins for metal, glass, paper.
6 Q. Okay. Aberthol (ph) Construction, what do you
7 remember about them?
8 A. Roofing.
9 Q. Okay. Another roofing company similar to the
10 other ones that you told me about?
11 A. Yes.
12 Q. Okay. So did Aberthol -- this is November of
13 1979. Do you have a recollection that
14 periodically you would pick up open tops full of
15 asphalt roofing materials generated by Aberthol
16 Construction?
17 A. Yes.
18 Q. Throughout the years that you drove for SCA did
19 you bring open tops with asphalt-based roofing
20 waste --
21 A. Yes.
22 Q. -- to J.M. Mills?
23 A. Yes.
24 Q. Can you give me an idea of frequency?
25 A. No. Depending on how busy they were.

209

1 Q. Was it seasonal?
2 A. Yes.
3 Q. At the busiest point with Aberthol, how many
4 times were you bringing open tops to J.M. Mills?
5 A. Probably one or two a week.

6 Q. Okay. Would that be kind of the height of the
7 season?
8 A. Yeah.
9 Q. Summer?
10 A. Yeah.
11 Q. All right.
12 A. They'd be running two crews at two different
13 locations.
14 Q. Always to J.M. Mills?
15 A. Yes.
16 Q. And when Aberthol was busy and you were -- or SCA
17 was hauling a couple of open tops of
18 asphalt-based roofing materials to J.M. Mills,
19 was it always to J.M. Mills or to some other
20 location?
21 A. Always to J.M. Mills.
22 Q. All right. And in addition to yourself, did
23 other SCA drivers --
24 A. Yes.
25 Q. -- also bring Aberthol roofing waste to J.M.

210

1 Mills?
2 A. Yes.
3 Q. Do you remember where they were located,
4 Aberthol?
5 A. No.
6 Q. So did there come a point in time when you
7 stopped bringing -- hauling Aberthol waste or did
8 you always, during the period of time you worked
9 at SCA, haul their waste?

10 A. All the time.

11 Q. Are they still in business? Do you know?

12 A. No, I don't think so.

13 Q. And Turner Construction?

14 A. They're a big contractor.

15 Q. Is it the big Turner that does the high-rise

16 buildings?

17 A. Yes.

18 Q. Okay. Tell me about that. Go to Bates -- couple

19 more pages down, December -- I'm sorry. Yeah,

20 December 10th, 1979. I see an entry for Turner

21 Construction. I didn't know if it was the big

22 guys or not and you're saying it is?

23 A. (Nods head in the affirmative).

24 Q. Does Turner Construction have a -- were they

25 working on a particular job site somewhere here

211

1 that you recall?

2 A. They were building in the Mansfield and

3 Attleboro Industrial Park.

4 Q. What were they building?

5 A. Building, office buildings.

6 Q. In both of those two areas?

7 A. Yes.

8 Q. Do you remember what years?

9 A. No.

10 Q. Do you know for how long they were building in

11 the Mansfield park?

12 A. No. Usually takes about a year or two to

13 build one of these places.

14 Q. And when you say "one of these places," we're in

15 kind of a high-rise building here at
16 Adler-Pollock, buildings like this?
17 A. Yes.
18 Q. And was Turner Construction the actual SCA
19 client?
20 A. Yes.
21 Q. And do you remember -- this particular Bates
22 numbered 4444 for Turner, how do we know where
23 this was picked up on this sheet? Are you able
24 to tell which of those locations it was?
25 A. No. This load was dropped in a pit back in

212

1 Berkeley. I picked it up from the pit.
2 Q. And then brought it to the J.M. Mills?
3 A. Yes.
4 Q. All right. And were the Turner Construction
5 containers all open tops?
6 A. Yes.
7 Q. What did you see inside those open tops?
8 A. Everything. Wood, bricks, concrete, you know,
9 whatever it takes to build a -- do form work,
10 plywood, you know.
11 Q. So it was construction waste associated with
12 high-rise construction?
13 A. Yeah.
14 Q. Okay. Spray-on fireproofing, access
15 fireproofing --
16 A. No.
17 Q. -- would that go in there?
18 A. No. I don't even think they did that back in

19 those days.
20 Q. And so there was a period of a couple years where
21 Turner Construction had open tops. Now, how many
22 open tops at each of these two job sites?
23 A. Probably two apiece.
24 Q. Two open tops in the Mansfield Corporate Park?
25 A. Yes.

213

1 Q. And two open tops at the job in the North
2 Attleboro Corporate Park?
3 A. Yeah.
4 Q. Do you remember the addresses of the buildings
5 they were building?
6 A. The one in Mansfield. That was in the
7 Mansfield Industrial Park.
8 Q. Industrial park. Okay.
9 A. And the other one in Attleboro, I can't
10 remember whereabouts that one was.
11 Q. In Mansfield, do you remember who they were
12 building for?
13 A. No, I never --
14 Q. What about in North Attleboro?
15 A. We never knew who they were building for.
16 Q. And how --
17 A. Unless they became our customers, you know,
18 for compactors.
19 Q. Afterward, you mean --
20 A. Yeah.
21 Q. -- when they opened up?
22 In the Mansfield Corporate Park, how often
23 were the open tops being picked up?

24 A. Once or twice a week.

25 Q. Fairly regularly --

214

1 A. Yeah.

2 Q. -- they filled up?

3 A. Oh, yeah.

4 Q. And were all of them construction waste?

5 A. Yes.

6 Q. And that would be true for both of those jobs?

7 A. Yes.

8 Q. And other than the general construction waste you
9 testified, do you have any other recollection as
10 to any liquid waste in any of those containers?

11 A. No.

12 Q. Any petroleum products --

13 A. No.

14 Q. -- of any type?

15 Let me ask you this. Go to the next page,
16 Bates 4445. Four pages down -- four lines down,
17 I'm sorry, it says City of Attleboro. This is
18 December 12, 1979. "Empty an open top at J.M.
19 Mills." Do you see that?

20 A. Yes.

21 Q. Okay. Explain to me why there would be an open
22 top for the City of Attleboro. Do you have any
23 idea?

24 A. That would be in -- at the town barn, B-A-R-N,
25 area where they park their trucks and all that

215

1 stuff.

2 Q. Any idea what was in there?

3 A. Mattresses, beds, whatever household furniture

4 they would pick up, you know.

5 Q. It was only household furniture there?

6 A. Yes.

7 Q. I'm finished with the documents. Let me just ask

8 you if you have recollection of a few more

9 companies here.

10 A. Need a double shot of CC in there.

11 Q. See what you remember about a couple of different

12 companies. Do you remember a company called

13 Aluminum Processing Facility in Fall River?

14 A. Yes.

15 Q. Did any of their waste go to J.M. Mills?

16 A. I don't think so.

17 Q. No?

18 A. No. It was all lighting fixtures, aluminum.

19 Q. Where did their waste go?

20 A. Fall River landfill. Got recycled by the

21 bulldozer operator.

22 Q. Do you remember a company called American

23 Flexible?

24 A. Yes.

25 Q. Where were they located?

216

1 A. New Bedford.

2 Q. Did any of their waste go to J.M. Mills?

3 A. I think a couple of loads did. Most of it

4 used to be dumped in the New Bedford landfill.

5 Q. Was the J.M. Mills landfill open longer than the
6 New Bedford landfill?
7 A. No.
8 Q. What was in the American Flexible containers?
9 A. Oh, wire -- steel-coated wiring.
10 Q. Like BX cable?
11 A. Yes. Yes.
12 Q. So it was the BX and the exterior sheet?
13 A. Yes.
14 Q. What was inside?
15 A. Copper wire.
16 Q. With plastic coating around it?
17 A. Yes.
18 Q. Insulation?
19 A. Yes.
20 Q. You do have a recollection of a couple of loads
21 going to J.M. Mills?
22 A. Yes.
23 Q. What's that based on? Did you personally drive a
24 couple loads to J.M. Mills?
25 A. Yes.

217

1 Q. Do you remember when?
2 A. No.
3 Q. Do you have any idea of how many loads in total
4 SCA would have brought from American Flexible --
5 A. No.
6 Q. -- to J.M. Mills?
7 What size containers?
8 A. 42.
9 Q. And was it just the BX cable or was there other

10 stuff in there?
11 A. Pallets, cardboard.
12 Q. Did American Flexible manufacture the BX cable?
13 A. No. They just put the -- the wire was already
14 made and the -- they had the steel machine that
15 used to wrap around this thing. It was funny to
16 watch.
17 Q. So basically they took a wire that came from some
18 other manufacturer --
19 A. Yeah.
20 Q. -- and created the sheet on the outside?
21 A. Yes. Yes.
22 Q. So basically they were just cork screwing the --
23 A. Yeah. It was strange to see.
24 Q. Cape Dory, that was a yacht --
25 A. Yacht company.

218

1 Q. -- manufacturer?
2 A. They built fiberglass boats.
3 Q. Any of their waste go to J.M. Mills?
4 A. Yes.
5 Q. When?
6 A. Oh, I don't know. After the Taunton landfill
7 closed.
8 Q. Okay. So they were a Taunton facility?
9 A. Yes.
10 Q. So after the Taunton landfill closed, all the
11 Cape Dory Yacht waste went to J.M. Mills?
12 A. Yes.
13 Q. What size container did they have there?

14 A. 42.

15 Q. Compactor?

16 A. Yes.

17 Q. And what was the nature of the waste that Cape

18 Dory Yacht threw into their --

19 A. Broken fiberglass sheets.

20 Q. What else?

21 A. Cardboard pallets.

22 Q. Fiberglass resin?

23 A. No.

24 Q. No resin?

25 A. They had a recycling thing for all that stuff.

219

1 Q. They recycled the resin?

2 A. Yeah. Yeah. They had a separate building.

3 Q. Were they motorboats or sailboats?

4 A. Sailboats.

5 Q. Did they have any power --

6 A. No. I guess that went to a different facility

7 to put the motors in and all that stuff.

8 Q. So there was no waste associated with --

9 A. No.

10 Q. -- gasoline- or diesel-powered engines?

11 A. No.

12 Q. So you only remember fiberglass sheets?

13 A. Yes.

14 Q. And cardboard?

15 A. Yeah.

16 Q. How often did the Cape Dory Yacht 42-yard

17 compactor get picked up by SCA and brought to

18 J.M. Mills?

19 A. Probably once a month.
20 Q. For what period of time? Do you know?
21 A. I think it was a scheduled pull.
22 Q. Do you remember when the Taunton landfill closed?
23 A. No, I don't.
24 Q. Okay. Do you remember a company called Draper
25 Brothers?

220

1 A. Yes.
2 Q. Who were they?
3 A. They made blankets in Canton.
4 Q. Clothing?
5 A. No, blankets.
6 Q. Blankets. I'm sorry. Textiles?
7 A. Yes.
8 Q. Anything other than that?
9 A. No.
10 Q. What was in their dumpster?
11 A. Flock, what they called when they brush the
12 yarn through the machine.
13 Q. Yeah.
14 A. It's like cotton.
15 Q. Was that the only thing in the container?
16 A. Yeah.
17 Q. Any oil --
18 A. No.
19 Q. -- lubricating materials?
20 A. No.
21 Q. Any sort of liquid or --
22 A. No.

23 Q. -- chemical waste?
24 A. All they had in that container was that flock
25 material.

221

1 Q. Okay. Do you remember a company called Dye
2 Craftsman?
3 A. Yeah.
4 Q. Who were they?
5 A. They made yarn in Taunton and -- knitting
6 yarn.
7 Q. And what was in their dumpsters?
8 A. Scrap yarns, cardboard, paper.
9 Q. Any dyes of any type, any liquid waste?
10 A. No.
11 Q. So it's basically just the yarn and cardboard?
12 A. I think all they did was spin it into -- into
13 skein.
14 Q. Haskin Industries or Hercules, what do you
15 remember about them?
16 A. They made plastic boxes.
17 Q. Where were they located?
18 A. Taunton, Mass.
19 Q. Did any of their waste go to J.M. Mills?
20 A. Not that I know of.
21 Q. Hesse, H-E-S-S-E, Eastern?
22 A. They made bazookas for the U.S. government.
23 Q. Any of their waste go to J.M. Mills?
24 A. Yes.
25 Q. So tell me about Hesse Eastern, where were they

222

1 located?

2 A. In Brockton Industrial Park.

3 Q. And what size container did Hesse Eastern have?

4 A. 42.

5 Q. 42-yard compactor?

6 A. Yes.

7 Q. Okay. And how often did their 42-yard compactor

8 get picked up by --

9 A. Oh, once every couple weeks.

10 Q. And when did it first start going to J.M. Mills?

11 A. Oh, I couldn't tell you that exact date.

12 Q. Did all Hesse Eastern waste always go to J.M.

13 Mills?

14 A. No.

15 Q. Where did it go before that?

16 A. It used to go to East Bridgewater, which was

17 privately owned, Brockton landfill.

18 Q. And then when they closed, it went to J.M. Mills?

19 A. Yes. Used to go to the Acushnet landfill.

20 Q. Okay. And then Acushnet closed?

21 A. Yes.

22 Q. Fair to state, though, then, that once the other

23 landfills --

24 A. Right.

25 Q. -- were closed -- do you recall a period of time

223

1 when all the Hesse Eastern 42-yard compactors

2 picked up by SCA all went to J.M. Mills?

3 A. Yes.

4 Q. What was in those compactors?

5 A. Had, like, PVC -- broken pieces of PVC pipe
6 and pallets, cardboard, strapping.
7 Q. Did they actually manufacture the entire bazooka
8 there?
9 A. I don't know. I never seen any.
10 Q. Okay.
11 A. I could use one.
12 Q. Any paint?
13 A. No.
14 Q. Paint supplies?
15 A. No.
16 Q. Any machine maintenance --
17 A. No.
18 Q. -- materials?
19 A. A lot of wood.
20 Q. Oily rags?
21 A. No.
22 Q. Metal shavings?
23 A. No.
24 Q. Gilbane Construction, do you remember anything
25 about them?

224

1 A. Yes.
2 Q. Where were they located?
3 A. Wherever the job was.
4 Q. Roofer?
5 A. No. They built these high-rise buildings.
6 They built a lot of hospitals, office buildings.
7 Q. All right. So they were like Turner
8 Construction, they had an account --

9 A. Yes.

10 Q. -- with SCA?

11 A. Yes.

12 Q. Do you have a recollection of any particular

13 buildings where their waste went to J.M. Mills?

14 A. The only building I remember them building was

15 Eastern Edison building.

16 Q. Where was that?

17 A. West Bridgewater.

18 Q. And where did their waste go?

19 A. Most of it went to J.M. Mills.

20 Q. What was in that waste, same thing as the Turner?

21 A. Yes, construction.

22 Q. Is Gilbane Construction still in business?

23 A. Oh, yes.

24 Q. Do you remember when Gilbane was building the

25 Eastern Edison building? When was that?

225

1 A. That was even before I went into the trash

2 business. I'm sorry. That was back in -- oh,

3 wait a minute -- 1986.

4 Q. Okay. That's when it went up?

5 A. I think so, yeah.

6 Q. Galego Roofing is another roofing company?

7 A. Yeah.

8 Q. Did we go over that? I don't know if we did.

9 A. Yeah.

10 Q. Where were they located, Galego?

11 A. Whatever building they were.

12 Q. And did some of Galego Roofing's roofing waste go

13 to --

14 A. Yes.
15 Q. -- J.M. Mills?
16 How often did you pick up from Galego
17 Roofing?
18 A. I don't know. Depending on what job it was,
19 how big it was.
20 Q. So am I correct that Galego Roofing would have an
21 open top container ordered from SCA when it was
22 full?
23 A. Yeah.
24 Q. At times, you would pick that up and dump the
25 asphalt-based roofing waste at J.M. Mills?

226

1 A. Yes.
2 Q. What's the most frequency with which you
3 personally brought Galego Roofing asphalt-based
4 roofing waste to J.M. Mills?
5 A. About two loads a week.
6 Q. Again, would have been during your high season?
7 A. Yes.
8 Q. And two loads a week would have been either
9 yourself --
10 A. Yes.
11 Q. -- or someone else from SCA?
12 A. Or two of us together on the same site.
13 Q. So J.M. Mills received a lot of roofing waste
14 from a lot of roofing companies --
15 A. Yes.
16 Q. -- fair to state?
17 A. A lot of construction material.

18 Q. Went in there?
19 A. Yeah.
20 Q. Nubrite Chemicals, what do you remember about
21 them?
22 A. Paint company.
23 Q. What?
24 A. Paint manufacturer.
25 Q. Okay. And did any of their waste go to J.M.

227

1 Mills?
2 A. I don't remember. Used to go to the Taunton
3 landfill, but I'm sure somewhere down the line it
4 went there.
5 Q. Did you ever pick up from Nubrite?
6 A. Yes.
7 Q. When?
8 A. When I first started working for the company.
9 Q. For how many years?
10 A. I only picked it up twice in all the time I
11 was there.
12 Q. Was there somebody else that you know that picked
13 up more?
14 A. One of the other drivers, Lenny Gomes.
15 Q. Okay. Lenny Gomes, you're telling me, picked up
16 from Nubrite Chemical?
17 A. Yes.
18 Q. And do you have a recollection as to where he
19 brought that stuff?
20 A. No.
21 Q. No?
22 A. No.

23 MR. MURPHY: Give me one second, if you
24 would.
25 Q. So you're not able to state one way or the other

228

1 if you brought any Nubrite waste to J.M. Mills?
2 A. No.
3 Q. Do you know when you were dispatcher, do you
4 recall directing individuals to bring Nubrite
5 Chemical waste to J.M. Mills?
6 A. No.
7 Q. Do you remember anything about what was in their
8 containers when you did pick it up?
9 A. Paint cans.
10 Q. Was it the same as Ben Moore?
11 A. Similar.
12 Q. So you had paint waste in the bottom of the --
13 A. Yeah.
14 Q. -- container?
15 Was it a 42-yard container?
16 A. Yes.
17 Q. Do you know the frequency with which SCA picked
18 up from that facility?
19 A. Well, when it was on a scheduled pull for the
20 Taunton landfill, probably went about once a
21 month.
22 Q. So you're still not able -- nothing I've said
23 that refreshes your recollection --
24 A. No.
25 Q. -- as to whether it went to J.M. Mills, correct?

- 1 A. No.
- 2 Q. Paragon Gear, what did they do?
- 3 A. They made parts for automatic transmissions.
- 4 Q. Did any of their waste go to J.M. Mills?
- 5 A. Yes.
- 6 Q. Did you haul Paragon Gear waste to J.M. Mills?
- 7 A. I don't think so. When I hauled, it went
- 8 strictly to the Taunton landfill.
- 9 Q. What are you basing your answer on that at some
- 10 point some of the waste from Paragon Gear went to
- 11 J.M. Mills?
- 12 A. I don't even know if it was still in business
- 13 then.
- 14 Q. What do you remember about the contents of their
- 15 waste?
- 16 A. It was all transmission parts. They made
- 17 torque converters for automatic transmissions.
- 18 Q. Is it your understanding that they were a machine
- 19 shop that actually machined all the parts?
- 20 A. Yes.
- 21 Q. So do you remember were there metal grindings,
- 22 oily grindings?
- 23 A. Yes.
- 24 Q. Could you smell it? Could you smell that --
- 25 A. No.

- 1 Q. -- machine oil?
- 2 A. Couldn't smell it, but you could see it.
- 3 Q. So there was oily grindings? Oily rags?

4 A. Yes, cardboard pallets.
5 Q. Engine lubrication, parts?
6 A. Yes.
7 Q. Okay. And your recollection is that Paragon Gear
8 used to go to Taunton landfill?
9 A. Yes.
10 Q. Is that where they were located?
11 A. Yes.
12 Q. When Taunton landfill closed, do you have any
13 idea where their waste went?
14 A. No.
15 Q. But it's your belief that some of it may have
16 gone to J.M. Mills?
17 A. Yes.
18 Q. Are you able to state with any certainty as to
19 whether it went to J.M. Mills?
20 A. No.
21 Q. Do you know a company called Raytheon?
22 A. Yes.
23 Q. Did you haul for them?
24 A. Yes.
25 Q. Did you haul any Raytheon waste to J.M. Mills?

231

1 A. Yes.
2 Q. Okay. Tell me where was the Raytheon facility
3 that you picked up from?
4 A. It was a warehouse in Dighton.
5 Q. And any other Raytheon facilities?
6 A. No.
7 Q. What was in that warehouse? What did they do
8 there?

9 A. It was a shipping and handling facility. They
10 didn't manufacture anything.
11 Q. Okay. And how often did you pick up from
12 Raytheon Dighton facility?
13 A. Probably once every six weeks or so.
14 Q. Was it a 42-yarder?
15 A. 42 yards.
16 Q. What was in there?
17 A. Mostly cardboard and paper and whatever trash
18 they generated in there.
19 Q. Do you have any recollection of, other than the
20 cardboard and paper --
21 A. No.
22 Q. -- what was in there?
23 A. No.
24 Q. Any manufactured materials?
25 A. No. It was just all packaging materials.

232

1 Q. How often did it go to the J.M. Mills landfill?
2 A. I don't know. Probably on the same schedule,
3 once every six weeks or whatever.
4 Q. Do you know a company called Taunton Silversmith?
5 A. Yes.
6 Q. Still in business?
7 A. I don't know.
8 Q. Were they an SCA customer?
9 A. Yes.
10 Q. Did they bring any waste to J.M. Mills?
11 A. I didn't.
12 Q. You did not?

13 A. No.
14 Q. Do you know whether anyone did?
15 A. I would imagine so.
16 Q. What was in their -- they had a compactor?
17 A. Yes.
18 Q. What was in their compactor?
19 A. Pieces of damaged silver, cardboard, paper.
20 Q. They did plating there?
21 A. Yes.
22 Q. Any other plating waste of any type --
23 A. No.
24 Q. -- in any of their dumpsters?
25 A. No. Used to find some pieces of rosin that

233

1 they used to polish them with, but that's it.
2 Q. And did their waste -- you believe some went to
3 J.M. Mills based on what?
4 A. Yes.
5 Q. Based on what?
6 A. Oh, I don't know. If they -- they were still
7 in business when I was dispatching, you know.
8 Q. You seem to have a recollection of dispatching
9 some Taunton Silversmith waste to J.M. Mills?
10 A. No, I don't.
11 Q. S&D Rubber, what did they do?
12 A. They made rubber mats.
13 Q. Did any of their waste go to J.M. Mills?
14 A. A lot of it.
15 Q. What was in their -- they have a 42-yard
16 compactor?
17 A. Yes.

18 Q. What was in there?
19 A. Paper bags with a whole bunch of dust in it,
20 pallets, strapping.
21 Q. Tell me more about the paper bags and the dust.
22 What do you remember about that dust?
23 A. That you were covered from head to toe every
24 time you went there.
25 Q. What color was the dust?

234

1 A. Black, gray.
2 Q. And was that dust coming from these bags, these
3 paper bags?
4 A. The residue, yeah.
5 Q. What else other than the paper bags and the dust?
6 A. That's about it.
7 Q. How often did S&D Rubber have their -- was it a
8 42-yard compactor?
9 A. Yes.
10 Q. How often was it picked up?
11 A. Once every couple of weeks.
12 Q. And where did it go?
13 A. J.M. Mills.
14 Q. Was that the only place it went to?
15 A. Yes, as far as I know.
16 Q. When you first started working at SCA did you
17 pick up at S&D Rubber?
18 A. Yes.
19 Q. And did you always bring it to J.M. Mills?
20 A. Yes.
21 Q. So during the approximate nine years that you

22 worked for SCA, approximately every two weeks a
23 42-yard compactor from S&D Rubber was hauled by
24 SCA and dumped at J.M. Mills?
25 A. Yes.

235

1 Q. When you hauled it, did it always have that black
2 dust in it?
3 A. Oh, yes.
4 Q. Any recollection of any other sort of
5 manufacturing waste --
6 A. No.
7 Q. -- in those containers?
8 A. (Shakes head in the negative).
9 Q. West End Hub & Spring, what do you remember about
10 them?
11 A. They made bed springs, bed frames.
12 Q. Did any of their waste go to J.M. Mills?
13 A. Yes.
14 Q. Any --
15 A. Steel shavings, oil, oily rags.
16 Q. Where were they located?
17 A. Stoughton.
18 Q. Okay. When did you first pick up from West End
19 Hub & Spring?
20 A. Couple weeks after I got hired.
21 Q. And when was the last time you picked up from
22 West End Hub & Spring?
23 A. I don't remember.
24 Q. Were they still in business when you stopped
25 driving?

- 1 A. Yes.
- 2 Q. So for the nine years you worked at SCA --
- 3 A. Yes.
- 4 Q. -- their waste was picked up in Stoughton?
- 5 Where was it brought?
- 6 A. Used to go to the Berkeley Landfill, then I
- 7 went to Davis and then I went to J.M. Mills.
- 8 Q. So when Davis closed, is it your testimony that
- 9 SCA brought all of the containers from West End
- 10 Hub & Spring and dumped it at J.M. Mills?
- 11 A. Yes.
- 12 Q. 42-yard containers?
- 13 A. Yes.
- 14 Q. How often were they picked up?
- 15 A. That was probably once every couple of months.
- 16 Q. But in those containers that were brought to J.M.
- 17 Mills once every couple of months, you recall
- 18 oily rags, oily metal grindings?
- 19 A. Yes.
- 20 Q. Any lubricating oils other than that?
- 21 A. Yes.
- 22 Q. Speedy Dry?
- 23 A. Yes.
- 24 Q. Solvents of any type? Do you remember?
- 25 A. No, no solvents.

- 1 Q. Any sort of barrels? Containers?
- 2 A. No.
- 3 Q. Drums?

4 A. No.

5 Q. Anything else other than what you've already told

6 me?

7 A. No.

8 MR. MURPHY: Give me a minute. I think

9 I'm done. I just need to --

10 (P A U S E)

11 Q. Other than the companies that I've asked you

12 about, do you have any independent recollection

13 of any other companies that stand out in your

14 mind because Murphy forgot to mention that one?

15 A. No.

16 Q. Anybody?

17 A. (Shakes head in the negative).

18 Q. Any municipalities that I haven't mentioned?

19 A. No.

20 MR. MURPHY: I have no further

21 questions. Thanks for your patience.

22 THE WITNESS: Excellent.

23 MR. MURPHY: Have I sufficiently brain

24 damaged everyone?

25 MR. JACKSON: Thank you, Mr. Shea.

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1 THE REPORTER: Curtis, copy?

2 MR. CONNORS: Yes.

3 THE REPORTER: Mr. Sally?

4 MR. SALLY: Yes.

5 THE REPORTER: Let's see. Mr. Risinger?

6 MR. RISINGER: I'd like a mini, please.

7 MR. NEWBERRY: Just a mini.

8 MR. COBURN: Mini. And Julie would like
9 one as well.
10 MR. SHERMAN: No.
11 MR. BENIK: Yes.
12 MR. NEWTON: No.
13 MR. MURPHY: Yes, please. Whatever I
14 usually order. Usual order, I guess. I think I
15 normally get a full size and a mini.
16 THE REPORTER: Mr. Jackson?
17 MR. JACKSON: Original and one and mini.
18 (Deposition adjourned at 4:56 p.m.)

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1 C E R T I F I C A T E

2 I, Devin J. Baccari, a Certified Shorthand
3 Reporter and Notary Public within and for the State of
4 Rhode Island, do hereby certify that I am expressly
5 approved as a person qualified and authorized to take
6 depositions pursuant to the Rules of Civil Procedure
7 of this Court, especially, but without restriction
8 thereto, under Rule 30 of said Rules; that the witness
9 was first sworn by me; that the foregoing is a true,
10 accurate, and complete transcript of my notes taken in
11 the above entitled proceedings.

12 I further certify that the exhibits are
attached and copies furnished to counsel.

I further certify that I am not counsel,
attorney or relative of either party or clerk or
stenographer of either party, or of the attorney of
either party, or otherwise interested in the event of
this suit.

13 I further certify that neither the deponent
nor any party requested a review of the transcript.

14 IN WITNESS WHEREOF, I hereunto set my hand
15 this 17th day of October, 2009.

16

17

18

19

DEVIN J. BACCARI, CSR, NOTARY PUBLIC
My Commission Expires 8/17/10

20

21

DATE: OCTOBER 5, 2009
IN RE: UNILEVER BESTFOODS VS. TEKNOR APEX
WITNESS NAME: MICHAEL L. SHEA

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